



Isle of Man
Government

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Development Management Customer Charter

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Department of Environment, Food and Agriculture

Planning and Building Control Directorate Murray House

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BUILT ENVIRONMENT REFORM PROGRAMME



WE'RE WORKING TO IMPROVE....

The Isle of Man Government has recently launched the Built Environment Reform Programme. This cross-departmental two year programme will deliver a number of improvements to facilitate built development and regeneration, including improvements to the planning process. More details are available [here](#)

To inform this work we have launched a Customer Survey, which will be available to complete between **21.09.22** and **16.11.22**.

This Charter sets out our current working practices, but will be updated regularly throughout the programme as we deliver improvements to our service and approach.

We will publish more detail about the approach to, and timescales for, these changes early in **2023** and in the meantime are committed to identifying and implementing incremental improvements where possible.

1.0 INTRODUCTION

1.1 It is important for the future of the Isle of Man to have a planning system that meets the Island's needs, supports economic growth, whilst also ensuring that development takes into account environmental and social considerations. The planning objective is seek to deliver well designed, high quality and sustainable communities and places. Such a system needs to be transparent, accessible and efficient in order to provide for a strong, stable and productive economy.

1.2 This charter sets out to explain the role of the Development Management Team that sits in the Planning and Building Control Directorate of DEFA; what services we provide and what customers can expect from us. We aim to set out realistic standards for consistent delivery to customers for all of the services we offer; the requirements for those wishing to access these services; appropriate fees, and mechanisms for complaints and other feedback.

1.3 This charter covers the functions carried out by the Development Management Team:

- the determination of Planning Applications (including the discharge of conditions attached to planning applications;
- the provision of pre-application advice and responses to other queries; and
- The investigation of alleged breaches of planning control.

1.4 The planning process is governed by [Planning Legislation](#). The Cabinet Office is responsible for the production of the planning policy documents that guides new development, including the [Development Plan](#). The planning process works alongside, but separately to, other regulatory processes, such as Building Control.

1.5 This Charter will be kept under review and updated as and when changes are made, for example as a result of the Built Environment Reform Programme.

2.0 PLANNING APPLICATIONS

2.1 When submitting an application for planning permission we aim to provide the service standards set out below wherever possible. There are times when workloads within the department or complex applications may result in the process taking longer than anticipated. We will therefore also publish information on [planning performance](#) and to review what and how information is made available.

- Planning Applications, Registered Building Applications, Advert and Certificates of Lawfulness Applications will be either:
 - validated within **10 working days** of receipt, or
 - the applicant, or their agent will be informed of why the application cannot be validated, or
 - the application will be returned
- We will endeavour to determine the majority of simple planning applications within **8 weeks** of validation and more complex applications within **13 weeks**. However, where more information is required, proposals are amended, the applicant requests more time to consider issues or a Section 13 legal agreement is required, then the determination process is likely to take longer.
- If the Case Officer feels that insufficient information has been provided, or the application could potentially be amended to address issues, they may *at their discretion* enter into negotiations to seek additional/amended information.
- Where the Case Officer considers that information provided is insufficient, or amendments required would be more than minor, they may recommend refusal of an application and suggest a fresh application be submitted.
- Decision Notices will normally be issued within **10 working days** of the decision being made (Or within 10 working days of a Section 13 legal agreement being signed, if applicable).
- We will determine applications for Telecoms Prior Approval applications within **6 weeks** of receipt, as stipulated in the 2019 Telecommunications Development Order.
- We will endeavour to determine the majority of Minor Change Applications within **4 weeks**.
- We will endeavour to respond to requests to approve information required by conditions attached to planning applications within **8 weeks**.

MAKING AN APPLICATION

2.3 Applications for planning approval should be made by completion of the relevant application form – all are available as [downloadable documents](#) or applications can be made using our [online service](#). In either case your submission must be supported by all necessary plans and supporting documentation and, where required, the relevant fee details of which can be found at the [bottom of the Application forms page](#).

2.4 Should you opt to use the electronic application service, a single paper copy of your submission must continue to be submitted for the benefit of ALL those Local Authorities which have elected to require such. Those that DO NOT require a paper copy are [listed on our website](#)

2.5 If the building is registered, an application for Registered Building Consent must also be made. Please see our [Registered Buildings](#) page for further information.

2.6 If you require a base map to enable you to draw your location and site plans, these can be obtained from the Department of Infrastructure which is the custodian for the Island maps (not Ordnance Survey). [More information](#) available online.

2.7 A guide for [making planning applications](#) is available as downloadable documents at gov.im. Supplementary guidance is available in relation to [trees](#) and [highway matters](#). A guide is also available in relation to the different types of planning applications that can be submitted. These should be referred to prior to submitting an application

PUBLICITY & COMMENTS

2.8 There are three ways of finding out about planning applications:

- Site Notice - The applicant is sent a site notice which they must display for at least 21 days.
- Weekly List - Details of submitted planning applications are published each week. The latest 'weekly list' can be viewed on the Planning and Building Control newsfeed. You can also sign up to receive the weekly list by email by contacting planning@gov.im.
- Find applications online - You can find, view and comment on current planning applications via [online services](#). An application can be found by its reference number, date, address, or digital map. View website for further details.

2.9 Development proposals often generate public interest, especially where they may impact on the surrounding area and community. The opinion of members of the public is important in the decision making process. Whatever your viewpoint, whether it may be positive or negative, provided it is planning related and communicated to us in writing it will be taken into account.

2.10 The Department welcomes comments not only from neighbours to proposed development, but also special interest groups and societies. The Department understands that every person may have a different view of a development recognising that everybody may have a unique insight into the potential effects of a development on themselves and their neighbourhood, but it is your responsibility to ensure that your views are known. Participating in the planning process is about more than just objecting. Supporting a proposal or suggesting amendments or conditions that could alleviate your concerns are just as important.

2.11 Comments are accepted up to the point at which the application is determined. The Department cannot determine an application until the 21 days publicity has expired (the 21 days following publication of the weekly list and display of the site notice). Therefore, if you comment during the 21 day publicity period you can be sure we will take account of your comments. If you comment after the 21 day period, there is the risk that we may have already determined the application and so be unable to take your comment into account -more information is available at www.gov.im/planningcontributors

ASSESSMENT & DECISION

2.12 Planning has a small team of professional planners working in the Development Management section, who are responsible for the assessment of all planning applications. The Officers are allocated applications (both residential and commercial) after they have been validated via an administration process. Applications are split for assessment using a 'North/South' divide of the Island.

2.13 After a planning application has been submitted and validated the steps are as set out below.

- Planning applications are published enabling people to view and comment on them. This includes making them available on-line and asking the applicant to display a site notice. For more information see www.gov.im/findapplications
- The Case Officer will assess the proposal taking into account the [Development Plan](#) and all relevant material considerations. See www.gov.im/materialconsiderations
- The Case Officer must consider any representations made by consultees, (which may include other Government Departments, statutory bodies, interest groups and local authorities) along with any private representations from members of the public. See www.gov.im/planningcomment
- The Case Officer will present their findings and recommendations in a formal report which will make up part of the application file, as a public document. This will make a recommendation as to how the application should be determined and also who should be afforded Interested Person Status. See www.gov.im/interestedperson
- The application will be determined either by an Officer with Delegated Powers (who is not the Case Officer and has not provided pre-application advice) or the Planning Committee. Applications which are submitted by DEFA must be determined by the Council of Ministers, to avoid a Conflict of Interest. The Council of Ministers also has the power to call-in applications, for example where it appears to them that it raises considerations of general importance to the Island.
- If the application is to go before Planning Committee, the officer's report will be included in the agenda which is available prior to the meeting. For more information see www.gov.im/planningcommittee
- The applicant or their agent will be notified of the decision by email where an email address has been provided. Members of the public whom have expressed an interest will receive their notice in hard copy via the post. Both the officer report and decision notice will be published on the Department's website following issue of the decision notice.
- Once a decision has been made it will not become final until the period in which any planning appeal may be lodged (21 days) has expired.
- Those who have been afforded 'Interested Person Status' may lodge an appeal against the decision but their appeals must meet specific criteria (including a fee) to be valid. Once valid the appeal file will be conveyed to the Cabinet Office to be dealt with by an independent Planning Inspector. The appeal decision will be made by the Minister. See www.gov.im/planningappeal

2.14 Once a planning application has been determined a formal notice of the decision will be issued as soon as is practical after the decision has been made. The decision notice will include

any conditions accompanying an approval, or reasons for any refusal. The decision issued will only become final as soon as the time for requesting an appeal has expired or any appeal has been determined, whichever is later.

2.15 The notice is issued to the applicant or their agent, and in the case of a refusal the notice will be accompanied by a copy of the officer's report. Letters are also sent to all parties who contributed to the consideration of the application, informing them of the decision, the supporting reasons or conditions and where they may view the officer's report.

2.16 Guidance will be included in the body of the notice and any letters informing the recipient whether they have been accorded powers to appeal the decision and where to direct that appeal should they wish to.

PLANNING COMMITTEE

2.17 Most planning applications are determined by senior officers with delegated powers. Around 20% of planning applications are determined by the [Planning Committee](#). The Planning Committee is chaired by DEFA's political member for planning. The Committee comprises of the Chair and 6 lay members. The Committee is charged with determining planning applications which are referred to it in accordance with the Standing Orders. The Department is able to carry out Planning Committee meetings electronically should it be required, and can support attendance and/or participation in a physical meeting by electronic means.

2.18 The Department has introduced opportunity for the applicant, Local Authority and those people who have made written representations to register to speak at meetings of the Planning Committee. Please refer to the [published guidance](#).

2.19 If the committee defer an application so they can conduct a site visit, they will agree this in the meeting when the application is considered. The date and time of site visits is agreed at the end of the meeting. A memo will be placed on the on-line application details setting this out. At the discretion of the Case Officer, property owners/occupiers may be contacted (for example where it is necessary to seek permission to enter a property).

APPEALS

2.20 Whilst an applicant will always have powers of appeal, any other parties to an application will be notified if they also have such powers within the body of their decision letter. These powers are referred to as 'Interested Person Status' (defined in the Development Procedure Order). Persons who have such power and who may wish to contest the decision or disagree with the conditions/reasons attached to it, may lodge an appeal

2.21 Persons intending to appeal against a decision of the Planning Authority should consider the matter carefully before doing so. In particular they should thoroughly consider the Officer report and the reasons for refusal, or conditions of approval. Although not obligatory should you wish to appeal you may use the form available online.

2.22 All parties (regardless as to status) will be notified where a valid appeal has been lodged. Should a party receive notice that an appeal has been lodged, and had powers and intention to submit their own, it is recommended that they still do so. An appellant can withdraw their appeal at any point prior to its determination. Please note that should an appeal be withdrawn there is no provision for a refund of the appeal fee.

AMENDMENTS

2.23 The Department is, at its discretion, able to consider amendments to planning applications before determination. An administration fee of £90 is chargeable for any amendment to a planning application submitted **after** the planning application has been validated. The fee is applied to plans which seek to alter the proposed development at the request of the applicant, the plans or information being required by the Office of Planning and Building Control because the original plans or supporting information is considered to be inaccurate or misleading, or has been requested to allow the proposed development to be properly considered.

2.24 It is important that everyone involved in the process understands which are the current details being considered, and if planning is approved the relevant plans and supporting information will be referenced on the decision notice, therefore applicants should note the following requirements.

- All plans as originally submitted should be named and numbered in a logical manner (e.g., 'Drawing 01 - Site Plan'). In the event that amended/updated plans are submitted during the process these should be numbered accordingly (e.g., 'Drawing 01 Rev A') and the amendments/updates listed on that plan (e.g., 'Access Amended').
- Any amended/additional plans or information must be accompanied by a letter or e-mail which quotes the application reference number clearly sets out whether the documents are additional or replacement (and if the latter which previously submitted documents are to be superseded) and the reason for submitting the documents.
- If the original application was made in hard copy, then any further documentation must be in hard copy (the same number of copies as per original). If the original application was made online, then any further documentation can be submitted electronically (by e-mail).
- All amended/additional documentation should be sent to the Case Officer (if you do not know who the Case Officer is then please send to the general office).

2.25 The cover e-mail/letter form and the submitted information will be published and the Department may undertake such publicity as it sees fit having regard to the significance of that documentation and may, if it considers it appropriate to do so, prepare and publish a new site notice.

2.26 The Department is now able to consider applications to amend planning approvals (this does not apply to other forms of approval), these are called Minor Change applications. Our website provides [additional information](#)

3.0 PLANNING ENFORCEMENT

3.1 The Town and Country Planning Act provides for formal enforcement action to be taken where the Department considers it expedient to do so. Residents often report issues to the Department which, although they relate to buildings or land, are not always covered under planning enforcement powers.

3.2 Below is a guide to the alleged breaches which can be investigated by planning enforcement.

- Material changes of use (e.g., use of land for unauthorised storage or use of land as unauthorised extension to residential curtilage)
- Building without planning approval (e.g., residential development – unauthorised extensions/fences etc.); you can check whether planning approval has been granted through online services or by calling +44 1624 685950
- Non-compliance with planning conditions (e.g., hours of operations or implementation of planting schemes)
- Enforcement of the Control of Advertisement Regulations. Enquiries regarding A-Framed boards in the highway should be directed to the Department of Infrastructure's Report a Problem site
- Unauthorised works to Registered buildings and buildings within Conservation Areas and
- Development not built-in accordance with approved plans

3.3 A breach of planning control is an offence, and so it is important that alleged breaches are investigated, and that consideration is given to using the Department's discretionary powers to take proportionate action. To facilitate in the carrying out of the above the Department has produced an operational policy which sets out in more detail the approach to planning enforcement (see www.gov.im/planningenforcement). The policy sets out the stages in an investigation and target timescales

3.4 Planning enforcement is restricted to matters associated with Town and Country Planning Legislation. For this reason, it is not possible to deal with other matters such as Civil Matters or suspected breaches of other legislation (such as Building Control).

4.0 GENERAL QUERIES

4.1 As well as comments about specific planning applications or requests to investigate suspected breaches of planning control, the team receives general queries. These mostly fall into one of three categories.

- General queries - We will endeavour to respond to general enquiries within 10 working days. If this is not possible within that time, we will issue a response explaining the reason for delays, steps to be taken, and an anticipated response time.
- Queries regarding whether a proposed development requires planning permission - In relation to queries about whether or not something constitutes development or whether or not it would comply with a Permitted Development Order, the onus is on the developer to satisfy themselves of the situation and seek such professional advice as they may require. The Department can offer general advice, but if formal confirmation of compliance is required from the Department, then this should be by way of an application for a [Certificate of Lawfulness](#)
- Pre-application advice in relation to a potential application - See section below for further information regarding pre-application advice.

4.2 The timescale for responses to the department are in accordance with IOM Governments Guidance for correspondence handling, which can be [viewed as a PDF](#)

PRE APPLICATION SERVICE

4.3 Pre-application advice is a means by which Planning Officers, in consultation with other parts of Government where necessary, can help guide applicants through the planning application process, whether they are householders who wish to carry out modest changes to their home, or developers embarking on a large scale project.

4.4 It is a discretionary and free service which aims to:

- help customers identify the issues relevant to their proposal
- improve the overall quality of applications
- reduce the number of applications for unacceptable proposals

4.5 It is not the purpose of pre-application advice to give certainty as to the outcome of an application because the only means by which a proposal can be properly tested is through the planning application process itself - please see [further guidance](#)

4.6 Planning Officers operate on an area basis and when a request for pre-application advice is received it is normally assigned to one of the Officers in either the North or South teams, although more straightforward queries may be dealt with by the Duty Planner on any given day. It is important that enquiries are not sent directly to the Officers because we need to keep a record of pre-application requests for administrative purposes and to assign enquiries according to Officer capacity. Numerous requests to different Officers creates additional work and reduces our abilities to respond efficiently.

4.7 We will not normally visit the site at the pre-application stage. We will respond to any questions raised based on the information provided as part of the query and, as appropriate, a desktop assessment of the proposal. Our customers should be aware of this when considering the context within which the pre-application advice is given. This emphasises the importance of providing as much information as possible with the enquiry, including site photographs. Pre-application meetings may be held where the application meets the above criteria and where it is expedient to the pre-application process to meet face to face.

4.8 We will generally provide a response to a pre-application enquiry in writing. To be fair to all our customers, and in order to be able to field as many enquiries as practicable, we reserve the right to provide only one substantive response to each enquiry. We are unable to commit to providing a full response within a certain timeframe because this is dependent on the complexity of the enquiry, the prioritisation that it is given having regard to objectives, and the capacity of the Planning Officers at the time. However, we will aim to provide a written reply, if only a preliminary response, within 10 working days of the pre-application enquiry being received.

4.9 The pre-application advice that Planning Officers give represents their own professional opinion based on the information supplied. Any views or opinions expressed are given without prejudice to the formal consideration of a planning application following statutory public consultation. It is possible that the consultation process will raise new issues that haven't been identified before.

4.10 Once an application is submitted it will be allocated to an officer. Depending on wider workloads and whether the advice was provided by a Planning Officer acting as Duty Planner it may be that a different officer to that one that provided pre-application advice is allocated as the Case Officer for the application. The Case Officer will make a recommendation and, for more straightforward applications a determination is made by the Head of Development Management or a senior planner. To ensure that the review/determination of an application under delegated powers provides an appropriate level of scrutiny, officers who have provided pre-application advice on a scheme will not determine the application, even if they have not acted as the Case Officer. More complex/controversial applications are determined by the Planning Committee or Council of Ministers.

4.11 Customers should therefore be aware that Officers cannot give guarantees about the final formal decision that will be made on a planning or other type of application. It is not the role of pre-application advice to give guarantees as to the outcome of an application or assurances as to what the Planning Officer's recommendation will be. Ultimately, the only way to obtain certainty as to the acceptability of a proposal is to formally submit an application as it is the application process itself that is the only means by which the proposal can be fully assessed.

4.12 It is often best to seek confirmation of pre-application advice, or whether or not something needs planning approval, in writing. This makes it easier to refer to in future and may avoid any misunderstandings. However, we do operate a 'Duty Planner' service to deal with straight forward queries.

4.13 We will publish the days/times that this service is available and during these hours, a Planning Officer will be available to answer simple queries and can be contacted on-line (via Teams - by prior arrangement), by phone (01624 685950) or at the Murray House counter (please note we cannot guarantee that we will be able to provide a meeting room).

4.14 If you wish to arrange a 15-minute appointment (either Teams call or at the counter) this can be done by e-mailing the North or South Enquiries (below), ideally 2 working days beforehand. Please note that at busy times you may need to wait until you can be seen without an appointment.

5.0 FEEDBACK & COMPLAINTS PROCESS

5.1 The Department of Environment, Food & Agriculture (DEFA) is committed to providing our customers with a high standard of service, however we accept that sometimes things go wrong. This complaints process is used to help the Department do its job better, improve relationships with customers and enhance public perception of the Department. If you feel that we have failed to provide the level of service you might reasonably expect, we would like to know so we can put that right and improve our services.

5.2 In the first instance it is best to speak to the person you have been dealing with and explain your complaint, or you can ask to speak to their manager who may be able to resolve your complaint straight away.

5.3 Formal written complaints can be made to the Complaints officer for investigation. Please send it to: DEFA Complaints Co-ordinator, Corporate Services, Thie Slieau Whallian, Foxdale Road, St John's IM4 3AS. Alternatively, you may email complaints.DEFA@gov.im or telephone 685854.

5.4 You will receive an acknowledgement of receipt of your complaint **within 5 working days**. This will check that our understanding is correct and ask you to confirm this. Where possible we will deal with your complaint **within 20 working days** from the time that confirmation is received. If this is not possible, we will contact you to let you know the expected timeframe for a response.

5.5 Full information on the complaints process, including further stages can be found [online](#)