



TOWN AND COUNTRY PLANNING (PERMITTED DEVELOPMENT) ORDER 2012

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Statutory Document No. 0254/2012

*Town and Country Planning Act 1999*

TOWN AND COUNTRY PLANNING (PERMITTED DEVELOPMENT) ORDER 2012

Approved by Tynwald: 20 June 2012
Coming into Operation: 1 July 2012

The Department of Infrastructure makes the following Order under section 6(3)(e) and section 8(1),(2)(a),(3),(4),(5) of the Town and Country Planning Act 1999¹.

1 Title

This Order is the Town and Country Planning (Permitted Development) Order 2012.

2 Commencement

If approved by Tynwald, this Order comes into operation on 1 July 2012.

3 Interpretation

(1) In this Order —

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

“**advertisement**” has the same meaning as in section 45(1) of the Act;

“**the Airport**” means the airport operated by the Department at Ronaldsway in the parish district of Malew;

“**airport building**” means a building, other than a hotel, required in connection with the movement or maintenance of aircraft, or with the embarking, disembarking, loading, discharge or transport of passengers, livestock or goods at the Airport;

“**airport land**” means land at Ronaldsway in the parish district of Malew vested in the Department and for the time being used by it for the purpose of its functions under section 1 of the Airports and Civil Aviation Act 1987²;

¹ c.9

² c.10

“**boundary**” means the line by which the outer extent of a curtilage is defined, sometimes physically by means of a wall, fence, or hedge;

“**building**” does not include plant or machinery or any gate, fence, wall or other means of enclosure;

“**cubic content**”, in relation to a structure or building, means the cubic content measured externally;

“**curtilage**” means the area of land attached to and around a building, used with the building and within which the building is set (for example the garden and driveway of a house, the storage yard of a factory), but does not include land used with a building but severed from it (for example a highway or service lane);

“**Department**” means the Department of Infrastructure;

“**dwellinghouse**” means a building occupied for residential purposes other than a building containing one or more flats, or a flat contained within such a building;

“**ground level**” means the surface of the ground immediately adjacent to the building or structure in question, and where the ground is sloping, the ground level is the highest part of the surface of the ground next to the building or structure;

“**highway**” means a highway maintainable at the public expense within the meaning of section 3 of the Highways Act 1986³, and includes any part of a highway;

“**Main River**” means any river or watercourse treated as a main river for the purposes of the Land Drainage Act 1934⁴ ;

“**original**” means, in relation to a dwellinghouse, a house as originally constructed, prior to any extensions or alterations following occupation of the dwelling;

“**plant or machinery**” includes any structure or erection in the nature of plant or machinery;

“**public body**” means –

- (a) a Department or Statutory Board;
- (b) a local authority; or
- (c) a joint board established under section 7 of the Local Government Act 1985⁵ or section 7 of the Recreation and Leisure Act 1998⁶ ;

³ c.17

⁴ Vol XIV p. 222

⁵ c.24

⁶ c 1

“**public gas supplier**” has the same meaning as in section 17 of the Gas Regulation Act 1995⁷ ;

“**sewerage authority**” means a public body exercising functions under Part 2 of the Sewerage Act 1999⁸ ;

“**tramway undertaking**” does not include any railway undertaking of the Department of Community, Culture and Leisure.

(2) In this Order a reference to a drain or sewer includes any manhole, ventilating shaft, pumps or other apparatus or other accessories associated with the drain or sewer.

4 Planning approval for certain development

(1) Planning approval is granted for operations of a class specified in Schedule 1 on any land, not being land within a conservation area, subject to any condition specified in that Schedule.

(2) Planning approval is granted for operations of a class specified in Schedule 2 on any land within a conservation area, subject to any condition specified in that Schedule.

(3) Planning approval is granted for a material change of use of a class specified in Schedule 3 of any land, subject to any condition specified in that Schedule.

(4) Paragraphs (1) to (3) do not apply to an operation, or a material change of use of land, of any class which –

(a) falls within any exception specified in the relevant Schedule in relation to that class;

(b) contravenes any condition lawfully imposed on the grant of planning approval for development of land;

(c) requires or involves the formation, laying out or material widening of a means of access to an existing highway used by vehicular traffic; or

(d) creates an obstruction to the view of persons using any such highway so as to be likely to cause danger to such persons.

5 Direction that approval shall not apply

(1) If the Department is satisfied that any of the operations or changes of use specified in Schedules 1, 2 and 3 should not be carried out in any particular area without planning approval granted pursuant to an application for the purpose, the Department may by an instrument in writing direct that article 4 shall not apply to such operations or such changes of use in any such area as may be specified in the direction.

⁷ c. 7

⁸ c. 2

- (2) The Department —
- (a) must give notice of any direction under paragraph (1) in 1 or more newspapers published and circulating in the Island,
 - (b) may give such other notice of the direction as it thinks fit, and
 - (c) must make a copy of the direction available for inspection by any person at all reasonable times at the principal office of the Department.

6 Use classes

Use of buildings or other land for a purpose of any of the classes specified in Schedule 4 is specified for the purpose of section 6(3)(e) of the Act (change of use within a class does not involve development).

7 Revocation

The Town and Country Planning (Permitted Development) Order 2005⁹ is revoked.

MADE: 21ST MAY 2012

D C CRETNEY
Minister for Infrastructure

⁹ SD 671/05



SCHEDULE 1

[Article 4(1)]

OPERATIONS OUTSIDE CONSERVATION AREAS

PART 1 – STATUTORY UNDERTAKINGS

1 Class 1 Repairs to services

Operations consisting of any works for the purposes of inspecting, repairing or renewing any sewer, main, pipe, cable or other apparatus, including breaking open any highway, road or other land for that purpose.

2 Class 2 Highway works

Operations by or on behalf of the Department within an existing highway consisting of works required for, or incidental to, the maintenance or improvement of the highway.

3 Class 3 Land drainage works

Operations by or on behalf of a body, in the exercise of powers conferred by the Land Drainage Act 1934,¹⁰ consisting of works in, on or under a watercourse or land drainage works in connection with the improvement, maintenance or repair of the watercourse or works.

4 Class 4 Sewerage and sewage disposal

Operations by or on behalf of a sewerage authority consisting of –

- (a) operations –
 - (i) not above ground level; or
 - (ii) above ground level and consisting of the construction, erection or alteration of a structure not exceeding 29 cubic metres in capacity above ground,
required in connection with the provision, improvement, maintenance or repair of a sewer, outfall pipe, sludge main or associated apparatus;
- (b) the provision of plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation;
- (c) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;

¹⁰ XIV p.222

- (d) the placing and storage on land of pipes and other apparatus to be included in a sewer, outfall pipe, sludge main or associated apparatus which is being or is about to be laid or constructed.

Conditions:

- (1) In the case of operations within paragraph (b), on completion of the survey or investigation, or at the expiration of 12 months from the commencement of the operations, whichever is the sooner, all such operations must cease and all such buildings, plant or apparatus must be removed and the land restored as soon as practicable to its condition before the operations took place (or to any other condition which may be agreed with the Department).
- (2) In the case of operations within paragraph (d), on completion of the laying or construction of the sewer, outfall pipe, sludge main or associated apparatus, or at the expiry of 12 months from the beginning of the operations, whichever is the sooner, the pipe or apparatus must be removed and the land restored as soon as reasonably practicable to its condition before the operations took place (or any other condition which may be agreed with the Department).

5 Class 5 Water supply

Operations by or on behalf of the Isle of Man Water and Sewerage Authority for the purpose of its functions consisting of —

- (a) operations not above ground level required in connection with the provision, improvement, maintenance or repair of a mains, pipes or other apparatus;
- (b) the installation in a water distribution system of apparatus for measuring, recording, controlling, or varying the pressure, flow or volume of water and structures for housing such apparatus;
- (c) the provision of plant, machinery or apparatus in, on over or under land for the purposes of survey or investigation;
- (d) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;
- (e) any works authorised or required in connection with an order made under section 5 of the Water Act 1991;¹¹
- (f) the placing and storage on land of pipes and other apparatus to be included in a main, or other apparatus which is being or is about to be laid or constructed.

Exceptions:

¹¹ c.24

Operations within paragraph (b) are not permitted if they involve the installation of a structure for housing apparatus exceeding 29 cubic metres in capacity –

- (a) above ground, or
- (b) under a highway used by vehicular traffic.

Conditions:

- (1) In the case of operations within paragraph (c), on completion of the survey or investigation, or at the expiration of 12 months from the commencement of the operations, whichever is the sooner, all such operations must cease and all such buildings, plant or apparatus must be removed and the land restored as soon as practicable to its condition before the operations took place (or to any other condition which may be agreed with the Department).
- (2) In the case of operations within paragraph (f), on completion of the laying or construction of the main, pipe or apparatus, 12 months from the beginning of the operations, whichever is the sooner, the pipe or apparatus must be removed and the land restored as soon as reasonably practicable to its condition before the operations took place (or any other condition which may be agreed with the Department).

6 Class 6 Railway works

Any operations by the Department of Community, Culture and Leisure on land within the site of an existing railway line consisting of works required in connection with the movement of traffic by rail.

Exceptions:

The operations are not permitted if they involve the construction, erection or alteration of –

- (a) a building; or
- (b) a structure exceeding 29 cubic metres in capacity above ground.

7 Class 7 Tramway works

Operations for the purposes of any tramway undertaking consisting of –

- (a) the installation of tramway tracks, and conduits, drains and pipes in connection with such tracks for the working of tramways;
- (b) the installation of telephone cables and apparatus, stop posts and signs required in connection with the operation of tramcars;
- (c) the erection or construction and the maintenance, improvement or other alteration of passenger shelters and barriers for the control of people waiting to enter tramcars.

8 Class 8 Gas supply

Operations by or on behalf of a public gas supplier required for the purposes of its undertaking consisting of —

- (a) operations not above ground level required in connection with the provision, improvement, maintenance or repair of mains, pipes or other apparatus;
- (b) the installation in a gas distribution system of apparatus for measuring, recording, controlling or varying the pressure, flow or volume of gas, and structures for housing such apparatus;
- (c) the placing and storage on land of pipes and other apparatus to be included in a main or pipe which is being or is about to be laid or constructed.

Exceptions:

Operations within paragraph (b) are not permitted if they involve the installation of a structure for housing apparatus exceeding 29 cubic metres in capacity —

- (a) above ground, or
- (b) under a highway used by vehicular traffic.

Conditions:

- (1) In the case of operations within paragraph (a), not less than 8 weeks before the beginning of operations to lay a main or pipe which is intended to contain gas at a pressure exceeding 8 bars absolute, the public gas supplier must give notice in writing to the Department of its intention to carry out the operations, identifying the land under which the main or pipe is to be laid.
- (2) In the case of operations within paragraph (c), on completion of the laying or construction of the main or pipe, or at the expiry of 12 months from the beginning of the operations, whichever is the sooner, the pipe or apparatus must be removed and the land restored as soon as reasonably practicable to its condition before the development took place (or any other condition which may be agreed with the Department).

9 Class 9 Laying of gas pipes etc. by Manx Electricity Authority

Operations by or on behalf of the Manx Electricity Authority ("the Authority") in the exercise of its functions under section 15A of the Electricity Act 1996¹² (laying of gas pipes to supply generating stations etc.) consisting of —

- (a) operations not above ground level required in connection with the provision, improvement, maintenance or repair of mains, pipes or other apparatus;

¹² c.14

- (b) the installation in a gas distribution system of apparatus for measuring, recording, controlling or varying the pressure, flow or volume of gas, and structures for housing such apparatus;
- (c) the placing and storage on land of pipes and other apparatus to be included in apparatus which is being or is about to be laid or constructed.

Exceptions:

Operations within paragraph (b) involve development if they involve the installation of a structure for housing apparatus exceeding—

- (a) 29 cubic metres in capacity above ground;
- (b) 3 metres in height above ground; or
- (c) 29 cubic metres in capacity under a highway used by vehicular traffic.

Conditions:

- (1) In the case of operations within paragraph (a), not less than 8 weeks before the beginning of operations to lay a main or pipe which is intended to contain gas at a pressure exceeding 10 bars absolute, the Authority must give notice in writing to the Department of its intention to carry out the operations, identifying the land under which the main or pipe is to be laid.
- (2) In the case of operations within paragraph (b) which involve the installation of a structure for housing apparatus exceeding 29 cubic metres in capacity above ground —
 - (a) the Authority must, before beginning the operations, apply to the Department for a determination as to whether the prior approval of the Department will be required to the siting and appearance of the structure in question;
 - (b) the application must be accompanied by a written description of the proposed structure and its proposed location;
 - (c) the operations must not begin before one of the following occurs —
 - (i) the Authority receives from the Department a notice of its determination that no such prior approval is required;
 - (ii) where the Department gives the Authority notice that such prior approval is required, the giving of such approval within 28 days following the date on which it received the Authority's application;
 - (iii) the expiry of 28 days following the date on which the Department received the application, without the Department making any determination as to

- whether such approval is required, notifying the Authority of its determination, or giving or refusing approval to the siting or appearance of the structure in question.
- (d) the operations must, except to the extent that the Department otherwise agrees in writing, be carried out –
 - (i) where prior approval is required, in accordance with the details approved;
 - (ii) where prior approval is not required, in accordance with the details submitted with the application or otherwise agreed by the Department;
 - (e) the operations must begin –
 - (i) where approval has been given by the Department, within 5 years of the date on which approval was given;
 - (ii) in any other case, within 5 years of the date on which the Department was given the description referred to in sub-paragraph (c).
- (3) In the case of operations within paragraph (c), on completion of the laying or construction of the main or pipe, or at the expiry of 12 months from the beginning of the operations, whichever is the sooner, the pipe or apparatus must be removed and the land restored as soon as reasonably practicable to its condition before the operations took place (or any other condition which may be agreed with the Department).

10 Class 10 Electricity supply

Operations by or on behalf of the Manx Electricity Authority for the generation, transmission or supply of electricity for the purposes of its undertaking, consisting of –

- (a) the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or transforming or switching stations or chambers reasonably necessary in connection with an electric line;
- (b) the installation or replacement of any telecommunications line which connects any part of an electric line to any electrical plant or building, and the installation or replacement of any support for any such line;
- (c) the sinking of boreholes to ascertain the nature of the subsoil and the installation of any plant or machinery reasonably necessary in connection with such boreholes.

Exceptions:

The operations are not permitted if —

- (a) in the case of operations within paragraph (a) (other than operations consisting of the replacement of a support where the height of the new support does not exceed that of the existing support or 15 metres, whichever is the greater) —
 - (i) it would consist of or include the installation of an electric line above ground level (other than an exempt line); or
 - (ii) it would consist of or include the installation or replacement at or above ground level or under a highway used by vehicular traffic, of a chamber for housing apparatus and the chamber would exceed 29 cubic metres in capacity above ground;
- (b) in the case of operations within paragraph (b) —
 - (i) the height of any support would exceed 15 metres; or
 - (ii) the telecommunications line would exceed 1000 metres in length;

Conditions:

- (1) In the case of operations within paragraph (a) consisting of or including the replacement of an existing electric line, any conditions contained in a planning approval relating to the height, design or position of the existing electric line which are capable of being applied to the replacement line.
- (2) In the case of operations within paragraph (a) consisting of or including the installation of a temporary electric line providing a diversion for an existing electric line, on the ending of the diversion or at the end of a period of 12 months from the completion of the installation, whichever is the sooner, the temporary electric line must be removed and the land on which any operations have been carried out to install that line must be restored as soon as reasonably practicable to its condition before the operations took place.
- (3) in the case of operations within paragraph (c), on the completion of the operations, or at the end of a period of 12 months from the beginning of the operations, whichever is the sooner, any such plant or machinery must be removed and the land must be restored as soon as reasonably practicable to its condition before the operations took place.

For the purpose of this Class —

“**electrical plant**” means any plant, equipment, apparatus or appliance used for, or for purposes connected with, the generation, transmission or supply of electricity, other than —

- (a) an electric line;
- (b) a meter used for ascertaining the quantity of electricity supplied to any premises; or
- (c) any electrical appliance under the control of a consumer;

“electric line” means any wire, cable, tube, pipe or other similar thing (including its casing or coating) designed or adapted for use in carrying electricity, which is used for carrying electricity for any purpose, and includes –

- (a) any support for any such line (that is, any structure, pole or other thing in, on, by or from which the line is or may be supported, carried or suspended);
- (b) any apparatus connected to any such line for the purpose of carrying electricity; and
- (c) any wire, cable, tube, pipe or other similar thing (including its casing or coating) which surrounds or supports, or is surrounded or supported by, or is installed in close proximity to, or is supported, carried or suspended in association with, any such line;

“exempt line” means an electric line which –

- (a) has a nominal voltage not exceeding 20kv and is used or intended to be used for supplying a single consumer; or
- (b) is or will be within premises in the occupation or control of the Authority;

“telecommunications line” means a wire or cable which forms part of a telecommunications apparatus within the meaning of paragraph 1 of Schedule 1 to the Telecommunications Act 1984¹³.

11 Class 11 Post Office

Operations by or on behalf of the Isle of Man Post Office consisting of the installation of posting boxes, self-service machines or second-bag boxes.

12 Class 12 Street furniture

Operations by or on behalf of a public body consisting of the erection or construction, or the maintenance, improvement or other alteration, in a highway or other road or any public place of any of the following structures –

- (a) lamp standards;
- (b) information kiosks;
- (c) public shelters;
- (d) public seats;

¹³ c.11

- (e) traffic signs;
- (f) signposts;
- (g) public drinking fountains;
- (h) refuse bins or baskets;
- (i) raised paving, pillars, walls, rails, fences and barriers for safeguarding persons using the highway.

In this Class “**traffic sign**” has the same meaning as in section 15(1) of the Road Traffic Regulation Act 1985¹⁴

PART 2 – OPERATIONS WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Section A – General Conditions

- (1) No part of the development may be constructed within 9 metres (measured at ground level) of the route of any overhead electrical line carrying 11kv or more (High Tension power cable);
- (2) No part of the development may be constructed within 9.1 metres of the bank of any river designated as a Main River under the Land Drainage Acts;
- (3) The construction (including foundations) must not involve the felling, lopping or limbing of any tree (other than a tree referred to in section 3(3) of the Tree Preservation Act 1993¹⁵) or interfere with the root system of any such tree.

13 Class 13 Greenhouses and polytunnels

The erection of one or more greenhouses or polytunnels within the curtilage of a dwellinghouse.

Conditions:

- (a) the general conditions applicable to Section A;
- (b) the height of the structures must not exceed 2.8 metres above ground level;
- (c) the area of ground covered by the structures must not exceed 15 square metres;
- (d) no part of the structures may be nearer to any highway which bounds the curtilage of the dwellinghouse than –
 - (i) that part of the dwellinghouse nearest to that highway, or
 - (ii) 20 metres,whichever is the nearer;

¹⁴ c.20

¹⁵ c.6

- (e) no part of the structure may be nearer than 1 metre to any part of the dwellinghouse; or the boundary of the property; and
- (f) the greenhouses and polytunnels may be constructed in a frame of polycarbonate or glass.

14 Class 14 Extension of dwellinghouse

The enlargement of a dwellinghouse (including the erection of an extension or conservatory).

Conditions:

- (a) the general conditions applicable to Section A;
- (b) the floorspace (measured externally) of the extension must not exceed 15 square metres beyond that of the original dwellinghouse;
- (c) the extension must not exceed 4 metres in height above ground level;
- (d) no part of the extension may be nearer to any highway which bounds the curtilage of the dwellinghouse than —
 - (i) that part of the dwellinghouse nearest to that highway, or
 - (ii) 20 metres,whichever is the nearer.
- (e) no part of the extension may be nearer than 1 metre to the boundary of the curtilage of the dwellinghouse;
- (f) the external finish of any walling must match that on the major part of the dwellinghouse; and
- (g) operations within this class are allowed only if, on completion of the operations, at least 2 car parking spaces remain within the curtilage of the dwellinghouse.

For the purpose of paragraph (g) the minimum size permitted for a car parking space is 6 metres by 3.25 metres.

15 Class 15 Garden sheds and summer-houses

The erection of one or more garden sheds or summer-houses within the curtilage of a dwellinghouse.

Conditions:

- (a) the general conditions applicable to Section A;
- (b) the height of the garden shed or summer-house must not exceed 2.8 metres above ground level;
- (c) the area of ground covered by the garden shed or summer-house must not cumulatively exceed 15 square metres in total; and

- (d) no part of the garden shed or summer-house may be nearer to any highway which bounds the curtilage of the dwellinghouse than —
 - (i) that part of the dwellinghouse nearest to that highway, or
 - (ii) 20 metres,whichever is the nearer.

16 Class 16 Fences, walls and gates

The erection or alteration of fences, walls or gates within, or on the boundary of, the curtilage of a dwellinghouse.

Conditions:

- (a) the general conditions applicable to Section A;
- (b) the height, of the fence, wall or gate must not exceed—
 - (i) 1 metre if positioned nearer than the dwellinghouse to any highway which bounds the curtilage; or
 - (ii) 2 metres in any other case;
- (c) any fence which is nearer to any highway than the dwellinghouse must be constructed of vertical posts with spaces between, and not be of a solid construction.
- (d) any wall must be constructed of stone traditionally laid, or facing brickwork or rendered brickwork or rendered blockwork all with a coping at least 50 mm deep; and
- (e) no gates may open out over the highway or any footpath.

17 Class 17 Private garages and car ports

The erection of a private garage or car port within the curtilage of a dwellinghouse.

Conditions:

- (a) the general conditions applicable to Section A;
- (b) there must only be one private garage or car port within the curtilage of the dwellinghouse;
- (c) the eaves level must be no higher than 2.9 metres.
- (d) the roof pitch must match that of the main dwellinghouse;
- (e) the maximum width must not exceed 6 metres;
- (f) the maximum length must not exceed 6 metres;
- (g) no part of the garage or car port may project beyond the forwardmost part of the dwelling which fronts onto a highway;
- (h) every part of the garage or car port must be a minimum of 6 metres from a highway including a rear or side lane;

- (i) no part of the garage or car port may be within 1 metre of the boundary of the dwellinghouse; and
- (j) if detached, the garage or car port must not be used for general living or sleeping purposes.

18 Class 18 Domestic fuel storage tanks

The erection or placing, within the curtilage of a dwellinghouse, of a tank for the storage of oil or gas for domestic heating with a capacity not exceeding 1,200 litres for oil and 150 litres for gas or liquid petroleum.

Conditions:

- (a) the general conditions applicable to Section A;
- (b) no part of the tank may be more than 2 metres above ground level;
- (c) no part of the tank may be nearer to any highway which bounds the curtilage of the dwellinghouse than —
 - (i) that part of the dwellinghouse nearest to that highway, or
 - (ii) 20 metres,whichever is the nearer.

19 Class 19 Replacement of waste water treatment system

The replacement of a waste water treatment system (sewerage treatment facility) within the curtilage of a dwellinghouse.

Conditions:

The general conditions applicable to Section A.

20 Class 20 Erection of a flagpole

The erection of a flagpole within the curtilage of a dwellinghouse.

Conditions:

- (a) the general conditions applicable to Section A;
- (b) no more than 1 flagpole is allowed;
- (c) the height of the flagpole must not exceed 5 metres above ground level; and
- (d) the flagpole must not be used for the display of any advertisement.

21 Class 21 Construction of decking

The construction of decking within the curtilage of a dwellinghouse.

Conditions:

- (a) the general conditions applicable to section A;

- (b) no part of the top surface of the decking may be more than 0.3 metres above the ground level as existed before the operations;
- (c) no part of the decking may be nearer to any highway which bounds the curtilage of the dwellinghouse than that part of the dwellinghouse nearest to that highway; and
- (d) the decking may include the provision of perimeter fencing or railings where these do not exceed a height of 2 metres above ground level.

22 Class 22 Solar Panels (Stand alone)

The installation, alteration or replacement of stand-alone solar panels (or photovoltaic or solar thermal equipment) within the curtilage of a dwellinghouse.

Conditions:

- (a) the general conditions applicable to Section A;
- (b) no part of the panel or associated structure may be —
 - (i) higher than 2 metres above ground level; or
 - (ii) nearer to any highway which bounds the curtilage of the dwellinghouse than that part of the dwellinghouse nearest to that highway or 20 metres, whichever is the nearer.

23 Class 23 Heat Pumps

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

Conditions:

The general conditions applicable to Section A.

Section B — operations where general conditions do not apply

24 Class 24 Installation of replacement windows and doors

The installation of a window or an external door in an existing aperture in a dwellinghouse.

Conditions:

- (a) no alteration may be made in the size, shape or position of the aperture;
- (b) no windows or doors may open over any part of the highway or boundary of the dwellinghouse; and

- (c) the dwellinghouse must not be located within a conservation area which is proposed in a published document.

25 Class 25 Installation of or removal of Patio doors

The installation or removal of patio doors or their replacement with a window within a dwellinghouse.

Conditions:

- (a) no works may be undertaken on an elevation which fronts onto a highway;
- (b) no works may be undertaken other than at a ground floor level; and
- (c) any new door aperture must be no wider than 3 metres.

For the purpose of this class “**patio doors**” includes French windows, bi-folding doors and sliding doors.

26 Class 26 Garage doors

The replacement of a garage door and frame with another garage door or a window. The internal garage space may then be used as part of the main dwelling to which the garage is attached.

Conditions:

- (a) the works are allowed only where the garage is either an integral or attached garage (ie not detached from the dwellinghouse);
- (b) where a garage door is replaced with a window, the proportions of the window must replicate the proportions of the windows on the ground floor of the same elevation of the door to be replaced; and
- (c) operations within this class are allowed only if, on completion of the operations, at least 2 car parking spaces remain within the curtilage of the dwellinghouse.

For the purpose of paragraph (c) the minimum size permitted for a car parking space is 6 metres by 3.25 metres.

For the purpose of this Class, the internal space of an integral or attached garage may be used as part of the main dwelling to which the garage is attached. This does not constitute development.

27 Class 27 Satellite dishes

The installation, alteration or replacement of a satellite dish on, or within a curtilage of a dwellinghouse.

Conditions:

- (a) there may be no more than one satellite dish within the curtilage of the dwellinghouse;

- (b) no lettering, logo or other advertisement may be displayed on the satellite dish; and
- (c) the satellite dish must be no greater than 60cm in diameter.

28 Class 28 Roof-lights

The installation of a roof-light in the roof of a dwellinghouse or garage.

Conditions:

- (a) no more than 3 roof-lights are permitted on any roof slope in the roof of the dwellinghouse; and
- (b) no roof-light may exceed 1 square metre in size.

29 Class 29 Solar Panels (Roof mounted)

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

Conditions:

No solar photovoltaic or solar thermal equipment may —

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

PART 3 — AVIATION OPERATIONS

30 Class 30 Development at an airport

The carrying out of development on airport land by the Department or its agent (including the erection or alteration of an airport building) in connection with the provision of services and facilities at the Airport.

Exceptions:

Operations within this Class are not permitted if they would consist of or include —

- (a) the construction or extension of a runway;
- (b) the construction of a passenger terminal the floor space of which would exceed 500 square metres;
- (c) the extension or alteration of a passenger terminal, where the floor space of the building as existing on the coming into operation of this Order or, if built thereafter, of the building as built, would be exceeded by more than 15%;
- (d) the erection of a building other than an airport building; and
- (e) the alteration or reconstruction of a building other than an airport building, where its design or external appearance would be materially affected.

For the purposes of paragraph (c) floor space is calculated by external measurement and without taking account of the floor space in any pier or satellite.

Condition:

The Department's Airport Division must consult the Department's Planning and Building Control Division before carrying out any development falling within this Class.

31 Class 31 Air navigation development at airport

The carrying out on airport land within the perimeter of the Airport by the Department or its agent of development in connection with –

- (a) the provision of air traffic control services,
- (b) the navigation of aircraft using the Airport, or
- (c) the monitoring of the movement of aircraft using the Airport.

32 Class 32 Air navigation development near airport

The carrying out on airport land outside but within 1 kilometre of the perimeter of the Airport, by the Department or its agent, of development in connection with –

- (a) the provision of air traffic control services,
- (b) the navigation of aircraft using the Airport, or
- (c) the monitoring of the movement of aircraft using the Airport.

Exceptions:

Operations within this Class are not permitted if –

- (a) any building erected would be used for a purpose other than housing equipment used in connection with the provision of air traffic control services, with assisting the navigation of aircraft, or with monitoring the movement of aircraft using the Airport;
- (b) any building erected would exceed a height of 4 metres;
- (c) they would consist of the installation or erection of any radar or radio mast, antenna or other apparatus which would exceed 15 metres in height, or, where an existing mast, antenna or apparatus is replaced, the height of that mast, antenna or apparatus, if greater.

33 Class 33 Stationing of moveable apparatus in an emergency

The use of airport land by or on behalf of the Department in an emergency to station moveable apparatus replacing unserviceable apparatus.

Condition:

The use must cease within 6 months of its beginning, and any apparatus must be removed, and the land must be restored to its condition before the development took place, or to any other condition agreed in writing between the Department's Planning and Building Control Division and the Department's Airport Division.

34 Class 34 Use of airport buildings

The use of buildings vested in the Department within the perimeter of the Airport for purposes connected with air transport services or other flying activities at the Airport.

35 Class 35 Alteration of fence etc. to provide access for emergency vehicles

The alteration of a gate, fence, wall or other means of enclosure of airport land for the purpose of affording access for emergency vehicles.

PART 4 – MISCELLANEOUS OPERATIONS

36 Class 36 Demolition of part of building

The demolition of part of a building where the rest of the building is not also demolished.

Exceptions:

Operations within this Class are not permitted if the part of the building in question is visible on an elevation of the building as seen from any highway which bounds the curtilage of the building.

37 Class 37 Satellite dish

The installation, alteration or replacement of a satellite dish on a building other than a dwellinghouse.

Exceptions:

Operations within this Class are not permitted if –

- (a) the size of the dish (excluding any projecting feed element) measured in any direction exceeds 90cm; or
- (b) on completion of the operations the dish would be visible on an elevation of the building as seen from any highway which bounds the curtilage of the building.

Condition:

No lettering, logo or other advertisement may be marked on or attached to the dish.

38 Class 38 Installation of replacement windows and doors

The installation of a window or an external door in an existing aperture in a building other than a dwellinghouse.

Exception:

Operations within this class are not permitted if there is not in place an existing window or door.

Conditions:

- (a) no alteration may be made in the size, shape or position of the aperture; and
- (b) no lights may open over any part of the highway.

39 Class 39 Fences, walls and gates

The erection, construction or alteration of fences, walls or gates elsewhere than within, or on the boundary of, the curtilage of a dwellinghouse.

Exceptions:

Operations within this Class are not permitted if on completion of the operations –

- (a) in the case of the erection or construction of a fence, wall or gate otherwise than to replace an existing fence, wall or gate, the height, as measured from ground level on either side of the fence, wall or gate, would exceed –
 - (i) 1 metre, where the fence, wall or gate is adjacent to a highway; or
 - (ii) 2 metres, in any other case;
- (b) in the case of the alteration of a fence, wall or gate, or the erection or construction of a fence, wall or gate to replace an existing fence, wall or gate, the height, as measured from ground level on either side of the fence, wall or gate, would exceed the greater of –
 - (i) the height of the fence, wall or gate before its alteration or replacement, and
 - (ii) the height specified in paragraph (a) (i) or (ii), as the case may be.

40 Class 40 Forestry operations

The carrying out on land used for the purpose of forestry of operations reasonably necessary for that purpose and consisting of –

- (a) the formation, alteration or maintenance of a private roadway, or
- (b) the getting of materials required for the formation, alteration or maintenance of a private roadway.

Exception:

Operations within this Class are not permitted if carried out within 25 metres of a highway.

41 Class 41 Closed-circuit television cameras

The installation, alteration or replacement on a building of a closed-circuit television camera to be used for security purposes.

SCHEDULE 2

[Article 4(2)]

OPERATIONS WITHIN CONSERVATION AREAS**1 Class 1 Repairs to services**

Operations consisting of any works for the purposes of inspecting, repairing or renewing any sewer, main, pipe, cable or other apparatus, including breaking open any highway, road or other land for that purpose.

Conditions:

- (1) The land must be reinstated to its condition before the commencement of the operations.
- (2) Where traditional materials such as stone setts, cobbles, flags or kerbstones are disturbed, they must be carefully set aside, stored and replaced on completion of the operations.

2 Class 2 Highway works

Operations by or on behalf of the Department within an existing highway consisting of —

- (a) works required for or incidental to the maintenance of the highway; and
- (b) the erection, maintenance, improvement or other alteration of traffic signs (within the meaning of section 15(1) of the Road Traffic Regulation Act 1985).

Condition:

In the case of operations within paragraph (a), where traditional materials such as stone setts, cobbles, flags or kerbstones are disturbed, they must be carefully set aside, stored and replaced on completion of the operations.

3 Class 3 Sewerage and sewage disposal

Operations by or on behalf of a sewerage authority consisting of —

- (a) operations not above ground level required in connection with the provision, improvement, maintenance or repair of a sewer, outfall pipe, sludge main or associated apparatus;
- (b) the provision of plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation;
- (c) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel.

Conditions:

- (1) In the case of operations within paragraph (a) —

- (i) the land must be reinstated to its condition before the commencement of the operations;
 - (ii) where traditional materials such as stone setts, cobbles, flags or kerbstones are disturbed, they must be carefully set aside, stored and replaced on completion of the operations.
- (2) In the case of operations within paragraph (b), on completion of the survey or investigation, or at the expiration of 12 months from the commencement of the operations, whichever is the sooner, all such operations must cease and all such buildings, plant or apparatus must be removed and the land restored as soon as practicable to its condition before the operations took place (or to any other condition which may be agreed with the Department).

4 Class 4 Water supply

Operations by or on behalf of the Isle of Man Water and Sewerage Authority for the purpose of its functions consisting of –

- (a) operations not above ground level required in connection with the provision, improvement, maintenance or repair of a main, pipe or other apparatus;
- (b) the provision of plant, machinery or apparatus in, on, over or under land for the purposes of survey or investigation;
- (c) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;
- (d) any works authorised or required in connection with an order made under section 5 of the Water Act 1991.

Conditions:

- (1) In the case of operations within paragraph (a) –
- (i) the land must be reinstated to its condition before the operations took place;
 - (ii) where traditional materials such as stone setts, cobbles, flags or kerbstones are disturbed, they must be carefully set aside, stored and replaced on completion of the operations;
- (2) In the case of operations within paragraph (b), on completion of the survey or investigation, or at the expiration of 12 months from the commencement of the operations, whichever is the sooner, all such operations must cease and all such buildings, plant or apparatus must be removed and the land restored as soon as reasonably practicable to its condition before the operations took place (or to any other condition which may be agreed with the Department).

5 Class 5 Railway works

Any operations by the Department of Community, Culture and Leisure on land within the site of an existing railway line consisting of works required in connection with the movement of traffic by rail.

Exception:

The operations are not permitted if they consist of or include the construction, erection or alteration of a building or other structure (other than a signal post).

6 Class 6 Tramway works

Operations for the purposes of any tramway undertaking consisting of –

- (a) the installation of tramway tracks, and conduits, drains and pipes in connection with such tracks for the working of tramways;
- (b) the installation of telephone cables and apparatus, stop posts and signs required in connection with the operation of tramcars;
- (c) the erection or construction and the maintenance, improvement or other alteration of barriers for the control of people waiting to enter tramcars.

7 Class 7 Gas supply

Operations by or on behalf of a public gas supplier required for the purposes of its undertaking consisting of operations not above ground level required in connection with the provision, improvement, maintenance or repair of mains, pipes or other apparatus.

Conditions:

- (1) Not less than 8 weeks before the beginning of operations to lay a main or pipe which is intended to contain gas at a pressure exceeding 8 bars absolute, the public gas supplier must give notice in writing to the Department of its intention to carry out the operations, identifying the land under which the main or pipe is to be laid.
- (2) The land must be reinstated to its condition before the operations took place.
- (3) Where traditional materials such as stone setts, cobbles, flags or kerbstones are disturbed, they must be carefully set aside, stored and replaced on completion of the operations.

8 Class 8 Electricity supply

Operations by or on behalf of the Manx Electricity Authority for the generation, transmission or supply of electricity for the purposes of its undertaking, consisting of –

- (a) the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or transforming or switching stations or chambers reasonably necessary in connection with an electric line;
- (b) the installation or replacement of any telecommunications line which connects any part of an electric line to any electrical plant or building, and the installation or replacement of any support for any such line;
- (c) the sinking of boreholes to ascertain the nature of the subsoil and the installation of any plant or machinery reasonably necessary in connection with such boreholes.

Exceptions:

Operations within paragraph (a) or (b) (other than operations consisting of the replacement of a support where the height of the new support does not exceed that of the existing support) are not permitted if –

- (a) they would consist of or include the installation of an electric line, telecommunications line or other plant or apparatus above ground level; or
- (b) they would consist of or include the installation, at or above ground level or under a highway used by vehicular traffic, of a chamber for housing apparatus.

Conditions:

- (1) In the case of operations within paragraph (a) or (b) –
 - (i) the land must be reinstated to its condition before the operations took place.
 - (ii) where traditional materials such as stone setts, cobbles, flags or kerbstones are disturbed, they must be carefully set aside, stored and replaced on completion of the operations;
- (2) In the case of operations within paragraph (a) consisting of or including the replacement of an existing electric line, any conditions contained in a planning approval relating to the height, design or position of the existing electric line which are capable of being applied to the replacement line;
- (3) In the case of operations within paragraph (a) consisting of or including the installation of a temporary electric line providing a diversion for an existing electric line, on the ending of the diversion or at the end of a period of 12 months from the completion of the installation, whichever is the sooner, the temporary electric line must be removed and the land on which any operations have been carried out to install that line must be

restored as soon as reasonably practicable to its condition before the operations took place;

- (4) In the case of operations within paragraph (c), on the completion of the operations, or at the end of a period of 12 months from the beginning of the operations, whichever is the sooner, any such plant or machinery must be removed and the land must be restored as soon as reasonably practicable to its condition before the operations took place.

Expressions used in this Class have the same meanings as in Class 9 of Schedule 1.

SCHEDULE 3

[Article 4(3)]

CHANGES OF USE

PART 1 – CHANGE OF USE TO OR FROM DWELLINGHOUSE

1 Class 1 Residential care home

The change of use of a building from use as a dwellinghouse to use as a residential care home, or from use as a residential care home to use as a dwellinghouse.

Exceptions:

A change of use within this Class is not permitted if the building in question –

- (a) has more than 5 bedrooms; or
- (b) is in an area which, on the Development Plan, is zoned for industrial, retail, or business use; or
- (c) there would be more than 5 persons receiving care.

In this Class “**residential care home**” means -

- (i) premises mentioned in Section 1(1)(a) of the Nursing and Residential Homes Act 1988¹⁶; and
- (ii) any premises provided by or on behalf of the Department of Social Care under the Children and Young Persons Act 2001¹⁷.

2 Class 2 Guest-house

The change of use of a building from use as a guest-house to use as a dwellinghouse.

Exception:

A change of use within this Class is not permitted if the building in question is in an area which is not indicated in a development plan as an area of predominantly residential use.

3 Class 3 Taking in guests

The change of use of a building from use as a dwellinghouse to combined use as a dwellinghouse and as a guest-house.

Condition:

No more than 3 bedrooms in the building may be used as such by guests.

¹⁶ c.9

¹⁷ c.20

4 Class 4 Use of 2 or more flats as a single dwellinghouse

The change of use of a building from use as 2 or more dwellings to use as a single dwellinghouse.

5 Class 5 Working from home

The change of use of a building from use as a dwellinghouse to combined use as a dwellinghouse and by the householder as an office for conducting any business.

Exception:

A change of use within this Class is not permitted if the business involves persons other than the householder working in or calling at the building.

Conditions:

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.

6 Class 6 Childminding

The change of use of a building from use as a dwellinghouse to combined use as a dwellinghouse and by the householder as a child-minder.

Conditions:

- (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 child-minder 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.

In this Class “**child-minder**” means a person acting as a child minder within the meaning of section 63 of the Children and Young Persons Act 2001.

PART 2 – MISCELLANEOUS CHANGES OF USE

7 Class 7 Afforestation

The afforestation of any land.

Exception:

A change of use within this Class is not permitted if the area of the land, together with any adjoining land being afforested at or about the same time, exceeds 0.5ha.

SCHEDULE 4

[Article 6]

USE CLASSES

1 Class 1 Shops

Use for all or any of the following purposes —

- (a) for the retail sale of goods other than hot food;
- (b) as a post office;
- (c) for the sale of tickets or as a travel agency;
- (d) for the sale of sandwiches or other cold food for consumption off the premises;
- (e) for hairdressing;
- (f) for the display of goods for sale;
- (g) for the hiring out of domestic or personal goods or articles,

where the sale, display or service is to visiting members of the public.

2 Class 2 Financial and professional services

Use for the provision of —

- (a) financial services (including the services of a bank, building society or insurance broker);
- (b) professional services (other than health or medical services), including estate agency, but excluding legal or architectural services;
- (c) a betting office;
- (d) a booking office for a driving school; or
- (e) a job centre,

where the services are provided principally to visiting members of the public.

3 Class 3 Food and drink

Use for the sale of food or drink for consumption on the premises or of hot food for consumption on the premises (including use as a restaurant, café, wine bar or public house).

4 Class 4 Offices

Use as an office other than a use within Class 2.

5 Class 5 Research and development, light industry

Use for all or any of the following purposes –

- (a) for research and development of products or processes, or
- (b) for any industrial process,

being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

6 Class 6 Storage or distribution

Use for storage or as a distribution centre.

7 Class 7 Hotels and hostels

Use as a hotel or boarding or guest house where, in each case, no significant element of care is provided.

In this Class “**care**” means personal care for persons in need of personal care by reason of old age, disablement, past or present dependence on alcohol or drugs, or past or present mental disorder.

8 Class 8 Hospitals, nursing homes and residential institutions

Use as a hospital or nursing home.

Use for the provision of residential accommodation and care to people in need of care.

In this Class “**care**” has the same meaning as in Class 7.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants planning approval for classes of development, subject to exceptions and conditions specified in the Schedules (Article 4). They comprise –

- (a) operations on land outside conservation areas, specified in Schedule 1, viz. operations carried out by or on behalf of public bodies and others in connection with statutory undertakings (Part 1), small buildings and minor works operations within the curtilage of a dwellinghouse (Part 2), aviation operations, (Part 3) and miscellaneous operations (Part 4);
- (b) operations on land within a conservation areas, specified in Schedule 2; and
- (c) changes of use specified in Schedule 3, viz. changes of use to or from a dwellinghouse (Part 1), and miscellaneous operations of use (Part 2).

The Department of Infrastructure is given power to direct that article 4 shall not apply to specified development in a specified area (article 5)

The Order also specifies classes of use, changes of use within which are not development for planning purposes (article 6 and Schedule 4).

The previous Order, the Town and Country Planning (Permitted Development) Order 2005, is revoked.