

Statutory Document No. 20XX/XXXX

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Town and Country Planning Act 1999

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

Approved by Tynwald:

Coming into Operation:

The Cabinet Office makes the following Order under section 8(1) to (5) of the Town and Country Planning Act 1999.

1 Title

This Order is the Town and Country Planning (Change of Use) (Development) Order 2019.

2 Commencement

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

3 Interpretation

(1) In this Order –

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

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

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

“**specified land**” means the areas of land specified in the maps set out in Schedule 2 to this Order;

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

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

- (2) In this Order a reference to a numbered use class is to the class bearing that number as prescribed in the Schedule to the Town and Country Planning (Use Classes) Order 2019².

4 Planning approval for certain changes of use

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

5 Direction that generalised approval does not apply

- (1) If the Cabinet Office is satisfied that any development specified in Schedule 1 should not be carried out in any particular area without planning approval granted pursuant to an application for the purpose, the Cabinet Office may by an instrument in writing direct that this Order is not to apply in relation to such development in any such area as may be specified in the direction.
- (2) The Cabinet Office –
 - (a) must give notice of any direction under paragraph (1) in one 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 Cabinet Office.

6 Transitional provisions

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

7 Revocation

Article 4(3) of, and Schedule 3 to, the Town and Country Planning (Permitted Development) Order 2012³ are revoked.

² SD 2019/****.

³ SD 0254/2012.

MADE

CHRIS THOMAS
Minister for the Cabinet Office

Draft

SCHEDULE 1

[Article 4]

APPROVED DEVELOPMENT

PART 1 – CHANGES OF USE (SPECIFIED LAND ONLY)

TABLE 1

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

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

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

TABLE 2

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

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

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

TABLE 3

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

SCHEDULE 2

[Article 3]

DOUGLAS MAP

[Map to be inserted]

ONCHAN MAP

[Map to be inserted]

CASTLETOWN MAP

[Map to be inserted]

PEEL MAP

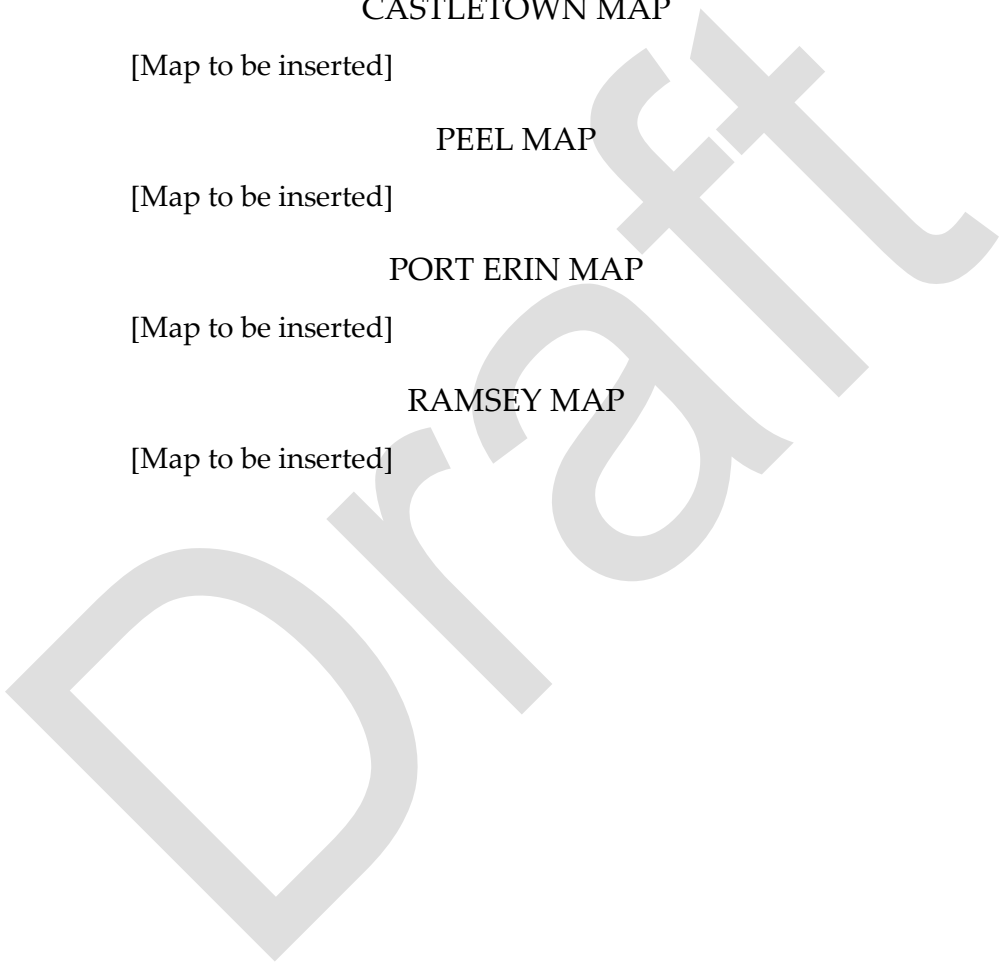
[Map to be inserted]

PORT ERIN MAP

[Map to be inserted]

RAMSEY MAP

[Map to be inserted]



EXPLANATORY NOTE

(This note is not part of the Order)

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

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

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

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

Article 6 sets out transitional provisions.

Article 7 revokes article 4(3) of, and Schedule 3 to, the Town and Country Planning (Permitted Development) Order 2012..