

Statutory Document No. 20XX/XXXX

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*Town and Country Planning Act 1999*

## **TOWN AND COUNTRY PLANNING (PERMITTED DEVELOPMENT) (AMENDMENT) ORDER 2026**

*Approved by Tynwald:*

*Coming into operation in accordance with article 2*

The Cabinet Office, having consulted the Department of Environment, Food and Agriculture<sup>1</sup>, makes the following Order under section 8(1), (2)(a), (3), (4) and (5), and section 44(1) of the Town and Country Planning Act 1999.

### **1 Title**

This Order is the Town and Country Planning (Permitted Development) (Amendment) Order 2026.

### **2 Commencement**

If approved by Tynwald, this Order comes into operation on <sup>2</sup>.

### **3 Amendment of the Town and Country Planning (Permitted Development) Order 2025**

- (1) The Town and Country Planning (Permitted Development) Order 2025<sup>3</sup> is amended as follows.
- (2) In Schedule 1 —
  - (a) in paragraph 15(1) (general conditions), for “Garden sheds, summer houses”, substitute «Garden buildings»; and
  - (b) for paragraph 19 (class 15 garden sheds, summer-houses and pergolas), substitute —

<sup>1</sup> Under section 43A of the Town and Country Planning Act 1999, before making a development order, the Cabinet Office must consult the Department of Environment, Food and Agriculture.

<sup>2</sup> Tynwald procedure – approval required in accordance with section 44(1) of the Town and Country Planning Act 1999 and as set out in section 30 of the Legislation Act 2015.

<sup>3</sup> SD 2025/0027.

«19 **Class 15 Garden Buildings and pergolas**

- (1) The erection, alteration or replacement of one or more garden buildings or pergolas within the curtilage of a dwellinghouse.
  - This is subject to the conditions in sub-paragraph (2).
- (2) Those conditions are (in addition to those specified in paragraph 15) —
  - (a) the height of the garden building or pergola must not exceed —
    - (i) for a structure with a dual-pitched roof, 3.8 metres;
    - (ii) for a structure without a dual-pitched roof, 3 metres;
    - (iii) for any part of a structure within 3 metres of the boundary of the curtilage of the dwellinghouse, 2.8 metres; and
    - (iv) at eaves level, 2.5 metres;
  - (b) no part of the garden building may have more than a single storey;
  - (c) the area of ground covered by garden buildings or pergolas must not cumulatively exceed —
    - (i) 25 square metres in total;
    - (ii) for garden buildings or pergolas situated more than 20 metres from any wall of the dwellinghouse, 15 square metres in total;
  - (d) no part of the garden building or pergola may —
    - (i) be forward of a wall forming part of the principal elevation or, where that elevation fronts a highway, a side elevation of the original dwellinghouse;
    - (ii) in a case where the rear elevation of the dwellinghouse fronts a highway, be nearer than whichever of the following is nearer to that highway —
      - (A) any part of that rear elevation of the original dwellinghouse; or
      - (B) 20 metres;
  - (e) no part of the garden building or pergola may —
    - (i) extend beyond the boundary of the curtilage of the dwellinghouse, including any elements of its structure such as its foundations, roof overhangs or guttering; or
    - (ii) be attached to the dwellinghouse;

- (f) where the area of ground covered by a garden building exceeds 15 square metres —
    - (i) no part of the structure may be on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse;
    - (ii) no part of the structure may be nearer than 2 metres to the boundary of the curtilage of the dwellinghouse; and
    - (iii) no elevation of that structure that fronts the boundary of the curtilage of the dwellinghouse that is nearer than 5 metres may contain a window or glazed door;
  - (g) no part of the garden building or pergola may be situated closer to a tree (other than a tree referred to in section 3(3) of the Tree Preservation Act 1993 (restriction on cutting down trees etc)) than the required distance;
  - (h) the garden building may only be used for purposes incidental to the enjoyment of the dwellinghouse, and must not —
    - (i) contain any kitchen or bathroom facilities that would enable its use as a separate dwellinghouse; or
    - (ii) be used for sleeping purposes;
  - (i) no works are authorised by sub-paragraph (1) which consist of or include any of the following —
    - (i) the construction or provision of a deck, balcony, veranda or other raised platform;
    - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
    - (iii) the installation, alteration or replacement of a microwave antenna.
- (3) For the purposes of this Class —
  - “**garden building**” means a garden shed, garden-room or summer-house, but excludes a greenhouse, polytunnel, conservatory, garage or carport; and
  - “**pergola**” means an open sided garden structure with a slatted roof.».
- (3) In Schedule 2, in paragraph 9(1)(d) (Part 2 of Schedule 1 extensions), for “Garden sheds, summer houses” substitute «Garden buildings».

**MADE**

**DAVID ASHFORD**

*Minister for the Cabinet Office*

*EXPLANATORY NOTE*

*(This note is not part of the Order)*

This Order amends the Town and Country Planning (Permitted Development) Order 2025 [SD 2025/0027] (“the 2025 Order”) by substituting paragraph 19 (class 15 garden sheds, summer-houses and pergolas) of Schedule 1. The amendments —

- expand the scope of permitted development to allow larger garden buildings, that being garden sheds, garden-rooms and summer-houses;
- increase the permitted height of garden buildings and pergolas, with height allowances tailored according to roof type, proximity to the boundary of the curtilage of the dwellinghouse and eaves height;
- increase the maximum cumulative area of ground coverage by garden buildings and pergolas to 25 square metres, with a limit of 15 square metres applying in specific circumstances;
- provide that garden buildings are permitted as single storey structures;
- clarify where garden buildings and pergolas may be positioned in relation to the principal elevation and highway-facing elevations of the dwellinghouse;
- provide that no part of a garden building or pergola, including any element of its structure, such as its foundations, roof overhangs or guttering, may extend beyond the boundary of the curtilage of the dwellinghouse;
- provide that a garden building should not contain any kitchen or bathroom facilities that would enable its use as a separate dwellinghouse, or be used for sleeping purposes; and
- remove the prohibition on erecting a garden shed, summer-house or pergola within 1 metre of the dwellinghouse, but provides that it must not be attached to the dwellinghouse.

This Order also makes a consequential amendment to a reference in paragraph 15(1) of Schedule 1 to the 2025 Order and to paragraph 9(1)(d) of Schedule 2 to the 2025 Order.