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## **TOWN AND COUNTRY PLANNING (PERMITTED DEVELOPMENT) ORDER 2025**

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Statutory Document No. 2025/0027

# C

*Town and Country Planning Act 1999*

## **TOWN AND COUNTRY PLANNING (PERMITTED DEVELOPMENT) ORDER 2025**

*Approved by Tynwald: 19 February 2025*

*Coming into Operation in accordance with article 2*

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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) Order 2025.

### **2 Commencement**

If approved by Tynwald<sup>2</sup>, this Order comes into operation on 1 March 2025.

### **3 Interpretation**

(1) In this Order –

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

“**the Airport**” means the airport operated 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;

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<sup>1</sup> Under section 43A of the Town and Country Planning Act 1999, before making an order under section 6(3)(e) of the Act, the Cabinet Office must consult the Department of Environment, Food and Agriculture.

<sup>2</sup> The procedure in section 30 (“approval required”) of the Legislation Act 2015 applies in relation to the making of an order under section 44(1) of the Town and Country Planning Act 1999.

“**airport land**” means land at Ronaldsway in the parish district of Malew vested in the Department of Infrastructure and for the time being used by it for the purpose of its functions under section 1 of the Airports and Civil Aviation Act 1987 (airport functions of Department of Infrastructure);

“**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**” includes any structure or erection, and any part of a building, as so defined, but does not include any plant or machinery, or gate, fence, wall or other means of enclosure;

“**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);

“**dwellinghouse**” means a building used in accordance with Class 3.3 of the Use Classes Order (“dwellinghouses”);

“**existing dwellinghouse**” includes any extensions or alterations made to the dwellinghouse following its occupation;

“**Flood Risk Management works**” has the same meaning as in section 7 of the Flood Risk Management Act 2013 (“FRM works”);

“**ground level**,” unless otherwise stated, 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 any highway, verge, footpath and public right of way, maintainable at the public expense within the meaning of section 3 of the Highways Act 1986 (duty to maintain certain highways);

“**main dwellinghouse**” means the main part of the dwellinghouse excluding any front, side or rear extension, whether this forms part of the original dwellinghouse or is a subsequent addition;

“**original dwellinghouse**” means a dwellinghouse as originally constructed, prior to any extensions or alterations following its occupation;

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

“**principal elevation**” means the elevation of the original house which, by virtue of its design and setting, is its main elevation, and is usually, but not always or exclusively, the front elevation;

“**private road**” means any highway, verge, footpath and public right of way that is not maintainable at public expense within the meaning of section 3 of the Highways Act 1986 (duty to maintain certain highways);

“**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 1985 (establishment of joint boards) or section 7 of the Recreation and Leisure Act 1998 (establishment of joint board);

“**public gas supplier**” has the same meaning as in section 17 of the Gas Regulation Act 1995 (interpretation);

“**rear elevation**” means the elevation that is opposite to the principal elevation;

“**relevant neighbouring building**” means a building –

- (a) that is used for a purpose that falls within Part 3 of the Schedule to the Use Classes Order (tourist and residential uses); or
- (b) that is used –
  - (i) as a residential school;
  - (ii) as a hostel; or
  - (iii) as secure residential accommodation,  
as defined by the Use Classes Order;

the “**required distance**” is –

- (a) for a tree with a single stem, 12 times the tree’s stem diameter; or
- (b) for a tree with more than one stem, 12 times –  
 $\sqrt{(stem\ diameter\ 1)^2 + (stem\ diameter\ 2)^2 + (stem\ diameter\ 5)^2}$ ,

where the stem diameter is measured 1.5 metres above ground level;

“**sewerage authority**” means a public body exercising functions under Part 2 of the Sewerage Act 1999 (sewerage and sewage disposal);

“**Schedule 3 land**” means the land hatched black on the map in Schedule 3;

“**side elevation**” means an elevation which is neither the principal elevation or rear elevation;

“**tramway works**” includes an undertaking under the Douglas Bay Tramway Act 1876 and excludes any tramway or railway undertaking under the Isle of Man Passenger Transport Act 1982;

“**Use Classes Order**” means the Town and Country Planning (Use Classes) Order 2019<sup>3</sup>.

(2) In this Order –

- (a) a reference to a drain or sewer includes any manhole, ventilating shaft, pump or other apparatus or other accessories associated with the drain or sewer;

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<sup>3</sup> SD 2019/0392.

- (b) measurements must always be calculated using an external measurement, where capable of being measured so;
- (c) a reference to the original dwellinghouse does not include a building or other structure within the curtilage of a dwellinghouse, which is not itself the dwellinghouse;
- (d) a “**condition**” includes a “**limitation**”.

#### 4 Planning approval for certain developments

- (1) Planning approval is granted for developments falling within a Class specified in Schedule 1 on any land which is not within a conservation area or Schedule 3 land, subject to —
  - (a) any condition specified in Schedule 1 in respect of that Class; and
  - (b) the general conditions in article 5.
- (2) Planning approval is granted for developments falling within a Class specified in Schedule 2 on any land located within a conservation area or Schedule 3 land, subject to —
  - (a) any condition specified in Schedule 2 in respect of that Class; and
  - (b) the general conditions in article 5.

#### 5 General conditions applicable to all developments

- (1) No part of a development falling within a Class specified in Schedules 1 and 2 may —
  - (a) contravene any condition imposed on a grant of planning approval in accordance with section 10(1)(a) of the Act;
  - (b) require or involve the formation, laying out or material widening of a means of access to an existing highway used by vehicular traffic;
  - (c) create an obstruction to the view of persons using any highway so as to be likely to cause danger to such persons;
  - (d) fall within the curtilage of a registered building; or
  - (e) be constructed (including any foundations) so as to involve the felling, lopping or limbing of any tree (other than a tree referred to in section 3(3) of the Tree Preservation Act 1993 (restriction on cutting down trees etc)).
- (2) Sub-paragraph (1)(e) does not apply to Flood Risk Management works carried out under section 27 of the Flood Risk Management Act 2013 (emergency power).

## 6 Revocation

- (1) The Town and Country Planning (Permitted Development) Order 2012<sup>4</sup> is revoked.
- (2) To avoid doubt, the Direction<sup>5</sup> made under article 3 of the Town and Country Planning (Permitted Development) Order 2005<sup>6</sup>, designating Meayll Peninsula and the Calf of Man, is revoked.

**MADE 13 JANUARY 2025**

**DAVID ASHFORD**  
*Minister for the Cabinet Office*

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<sup>4</sup> SD 2012/0254.

<sup>5</sup> GC 7/06.

<sup>6</sup> SD 671/05 revoked.



**SCHEDULE 1**

## Article 4(1)

**DEVELOPMENT OUTSIDE CONSERVATION AREAS AND SCHEDULE 3 LAND****PART 1—STATUTORY UNDERTAKINGS****1 Class 1 Repairs to services**

Development 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, private road or other land for that purpose.

**2 Class 2 Highway works**

- (1) Development by or on behalf of the Department of Infrastructure under the Highways Act 1986 or as the case may be the Road Traffic Regulation Act 1985 and within an existing highway consisting of works required for, or incidental to, the maintenance or improvement of the highway, including —
  - (a) the division of carriageways, provision of roundabouts, variation of the relative widths of carriageways and footways and the laying out of verges;
  - (b) the construction of cycle tracks;
  - (c) the provision of subways, refuges, pillars, walls, barriers, rails, fences or posts for the use or protection of persons using a highway;
  - (d) the erection of pedestrian crossings, school crossings, provision or altering of parking layouts, speed limits, bollards, traffic monitoring and enforcement equipment, and traffic signs (as specified in the Road Traffic Regulation Act 1985);
  - (e) the provision or other dealing with cattle-grids, by-passes, gates and other works for use in connection with cattle-grids;
  - (f) the construction of road humps;
  - (g) the construction of traffic calming works such as speed bumps, refuges, build outs or safety signage;
  - (h) the execution of works for the purpose of draining a highway or of otherwise preventing surface water from flowing on to it such drainage works, eco-drains, swales or sustainable drainage systems;
  - (i) the provision of traffic signal equipment and associated posts;
  - (j) the erection of Belisha beacons and matrix type signs;

- (k) the provision of utilities or survey boxes, technology or recording equipment, poles and furniture, erected to facilitate highway or environmental operations;
- (l) the erection, alteration or replacement of bus shelters;
- (m) the erection of cycle and motorcycle stands and shelters;
- (n) the provision of dropped kerbs, tactile type and corduroy type paving on cycle paths, cycle tracks, footpaths and footways;
- (o) the provision of kassel type and non-standard height kerbing at bus stops or to control motorised and non-motorised traffic;
- (p) altering or removing any works under Class 2 executed by the Department of Infrastructure or on its behalf in relation to a highway.

These are subject to the conditions in sub-paragraphs (2) and (3).

- (2) No works are authorised by sub-paragraph (1) outside the boundary of the existing highway.
- (3) No works are authorised by sub-paragraph (1) which consist of or include any of the following —
  - (i) the construction, alteration or replacement of sea and river defences;
  - (ii) the construction, reconstruction or removal of bridges;
  - (iii) tramway works; or
  - (iv) the full or partial demolition of buildings.

### 3 Class 3 Land drainage works

Development by or on behalf of a public body, in the exercise of powers conferred by the Flood Risk Management Act 2013, 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

- (1) Development by or on behalf of a sewerage authority consisting of —
  - (a) development —
    - (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, 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.  
This is subject to the condition in sub-paragraph (2);
- (c) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;
- (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.  
This is subject to the condition in sub-paragraph (3).

(2) The condition referred to in sub-paragraph (1)(b) is that on the earlier of —

- (a) completion of the survey or investigation; or
- (b) the expiry of 12 months from the commencement of the development,

all such development 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 development took place.

(3) The condition referred to in sub-paragraph (1)(d) is that on the earlier of —

- (a) the completion of the laying or construction of the sewer, outfall pipe, sludge main or associated apparatus; or
- (b) the expiry of 12 months from the commencement of the development,

the pipe or apparatus must be removed and the land restored as soon as reasonably practicable to its condition before the development took place.

## 5 Class 5 Water supply

(1) Development by or on behalf of Manx Utilities Authority for the purpose of its functions consisting of —

- (a) development 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.  
This is subject to the condition in sub-paragraph (2);
- (c) the provision of plant, machinery or apparatus in, on, over or under land for the purposes of survey or investigation.  
This is subject to the condition in sub-paragraph (3);
- (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 (orders to meet deficiencies in water supply);
- (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.

This is subject to the condition in sub-paragraph (4).

- (2) The condition referred to in sub-paragraph (1)(b) is that the development must not 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.
- (3) The condition referred to in sub-paragraph (1)(c), is that on the earlier of —
  - (a) completion of the survey or investigation; or
  - (b) the expiry of 12 months, from the commencement of the development,all such development 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 development took place.
- (4) The condition referred to in sub-paragraph (1)(f), is that on the earlier of —
  - (a) completion of the laying or construction of the main, pipe or apparatus; or
  - (b) the expiry of 12 months from the commencement of the development,the pipe or apparatus must be removed and the land restored as soon as reasonably practicable to its condition before the development took place.

## 6 Class 6 Railway works

- (1) Development by the Department of Infrastructure on land within the site of an existing railway line consisting of works required in connection with the movement of traffic by rail.

This is subject to the condition in sub-paragraph (2).
- (2) The development must not 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**

Development for the purposes of any tramway works consisting of —

- (a) the installation of tramway tracks, 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**

(1) Development by or on behalf of a public gas supplier required for the purposes of its undertaking consisting of —

- (a) development 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.

This is subject to the condition in sub-paragraph (2);

- (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.

This is subject to the condition in sub-paragraph (3).

(2) The condition referred to in sub-paragraph (1)(b) is that the development must not include 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.

(3) The condition referred to in sub-paragraph (1)(c) is that on the earlier of —

- (a) completion of the laying or construction of the main or pipe; or
- (b) the expiry of 12 months from the commencement of the development,

the pipe or apparatus must be removed and the land restored as soon as reasonably practicable to its condition before the development took place.

**9 Class 9 Laying of gas pipes etc. by Manx Utilities Authority**

(1) Development by or on behalf of the Manx Utilities Authority in the exercise of its functions under section 15A of the Electricity Act 1996 (laying of gas pipes to supply generating stations etc.) consisting of —

- (a) development 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.

This is subject to the condition in sub-paragraph (2);
- (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.

This is subject to the condition in sub-paragraph (3).

(2) The condition referred to in sub-paragraph (1)(b) is that the development must not 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.

(3) The condition referred to in sub-paragraph (1)(c) is that on the earlier of —

- (a) the completion of the laying or construction of the main or pipe; or
- (b) the expiry of 12 months from the commencement of the development,

the pipe or apparatus must be removed and the land restored as soon as reasonably practicable to its condition before the development took place.

## 10 Class 10 Electricity supply

(1) Development by or on behalf of the Manx Utilities Authority ("the 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.

This —

  - (i) includes the replacement of a support where the height of the new support does not exceed the greater of the height of the existing support or 15 metres; and
  - (ii) is subject to the conditions in sub-paragraph (2);
- (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.

This is subject to the conditions in sub-paragraph (3);

(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.

This is subject to the condition in sub-paragraph (4).

(2) The conditions referred to in sub-paragraph (1)(a) are —

(a) the development must not consist of or include the —

(i) installation of an electric line above ground level (other than an exempt line); or

(ii) installation or replacement at or above ground level or under a highway used by vehicular traffic, of a chamber for housing apparatus and where the chamber would exceed 29 cubic metres in capacity above ground;

(b) in the case of development 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; and

(c) in the case of development consisting of or including the installation of a temporary electric line providing a diversion for an existing electric line, is that on the earlier of the —

(i) ending of the diversion; or

(ii) expiry of 12 months from the completion of the installation, the temporary electric line must be removed and the land on which any development has been carried out to install that line must be restored as soon as reasonably practicable to its condition before the development took place.

(3) The conditions referred to in sub-paragraph (1)(b) are that the development must not include —

(a) any supports that exceed 15 metres in height; or

(b) telecommunication lines that exceed 1000 metres in length.

(4) The condition referred to in sub-paragraph (1)(c) is that on the earlier of —

(a) completion of the development; or

(b) the expiry of 12 months from the commencement of the development,

any such plant or machinery must be removed and the land must be restored as soon as reasonably practicable to its condition before the development took place.

(5) 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 any line which forms part of an electronic telecommunications apparatus within the meaning provided in section 3 of the Communications Act 2021 (interpretation-general).

## 11 Class 11 Post Office

Development 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

(1) Development 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 private road or any public place of any of the following structures —

- (a) lamp standards;
- (b) information kiosks;

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

(2) For the purpose of this Class, “**traffic sign**” has the same meaning as in section 15(1) of the Road Traffic Regulation Act 1985 (traffic signs).

### 13 Class 12A Public electric vehicle charging points

Development by or on behalf of a public body or Manx National Heritage consisting of the erection or construction, or the maintenance, improvement, replacement or other alteration, on a highway or private road or any public place of a free-standing electric vehicle charging point.

### 14 Class 12B Play areas

(1) Development by a Local Authority or Department consisting of the erection or construction or the maintenance, improvement or other alteration of play equipment and surfacing, on land which is used as a public space or a school, of the following areas —

- (a) Local Area of Play (LAP);
- (b) Local Equipped Area of Play (LEAP);
- (c) Neighbourhood Equipped Area for Play (NEAP); or
- (d) Multi Use Games Area (MUGA).

This is subject to the conditions in sub-paragraph (2).

(2) Those conditions are —

- (a) development within Class 12B must not involve the installation of walls, fencing, gates or street furniture (see Class 12) unless permitted under another Class; and
- (b) any equipment provided must be —
  - (i) within an activity zone no smaller than the minimum activity zone specified in the following table; and
  - (ii) no part of the activity zone may be closer to the curtilage of a dwellinghouse than the minimum distance as specified in the following table.

Type of Area	Minimum Activity Zone (metres)	Minimum Distance from curtilage of a dwelling (metres)
LAP	10 x 10	5
LEAP	20 x 20	20
NEAP	31.6 x 31.6	30
MUGA	40 x 20	30

(3) For the purpose of Class 12B –

**“Local Area for Play”** means an area of open space and laid out for children to play close to where they live, and does not necessarily include play equipment or structures on site;

**“Locally Equipped Area for Play”** means an area of open space laid out with play equipment and structures, and can also include landscaped areas of play, which utilise natural materials, such as logs and boulders;

**“Neighbourhood Equipped Area of Play”** means an area of open space laid out and equipped mainly for older children but potentially with play opportunities for younger children as well, and which typically provide play equipment, structures and hard surface areas for ball games and sports activities such as roller-skating and cycling;

**“Multi Use Games Area”** means a sports facility or sports court that can be used for a variety of different sporting activities;

**“Play Equipment”** includes exercise equipment.

## PART 2—DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

### 15 General conditions

(1) General conditions apply to the following Classes –

- Class 13 (Greenhouses and polytunnels);
- Class 14 (Extension of dwellinghouse);
- Class 14A (Domestic electric vehicle charging units);
- Class 15 (~~Garden sheds, summer houses~~ Garden buildings and pergolas);
- Class 16 (Fences, walls and gates);
- Class 17 (Private garages and car ports);
- Class 18 (Domestic fuel storage tanks);
- Class 19 (Waste water treatment system);
- Class 20 (Flagpole);
- Class 21 (Construction of decking);
- Class 21A (Chimney, flue, soil and vent pipe);

Class 22 (Solar panels (stand-alone));  
Class 23 (Heat pumps); and  
Class 23A (Air source heat pumps).

(2) The general conditions referred to in sub-paragraph (1) are —

- (a) 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);
- (b) no part of the development may be constructed within 9.1 metres of the bank of any designated watercourse under the Flood Risk Management Act 2013;
- (c) no more than 50% of the land within the rear curtilage, which is not covered by the original dwellinghouse, may be covered by buildings, including any outbuildings (whether or not constructed at the same time as the original dwellinghouse) and extensions but excluding any hard surface or deck; and
- (d) a development within the curtilage of a dwellinghouse may not leave less than the lesser of —
  - (i) 2 car parking spaces of at least 6 metres by 3.25 metres; or
  - (ii) the number and size of parking spaces prior to the development taking place.

(3) For the purposes of sub-paragraph (2)(c) —

- (a) the front curtilage is all the land forward of the principal elevation;
- (b) the rear curtilage is the remainder of the curtilage of the original dwellinghouse.

## 16 Class 13 Greenhouses and polytunnels

(1) The erection, alteration or replacement of one or more greenhouses or polytunnels 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 greenhouse or polytunnel must not exceed 2.8 metres above ground level;
- (b) the area of ground covered by greenhouses or polytunnels must not cumulatively exceed 15 square metres;
- (c) no part of the greenhouse or polytunnel may be nearer to any highway which bounds the curtilage of the dwellinghouse than the nearer of —
  - (i) that part of the dwellinghouse nearest to that highway; or
  - (ii) 20 metres;

- (d) no part of the greenhouse or polytunnel may be nearer than 1 metre to any part of the dwellinghouse or the boundary of the curtilage of the dwellinghouse; and
- (e) the greenhouse or polytunnel must be constructed from panels of polycarbonate or glass.

## 17 Class 14 Extension of dwellinghouse

- (1) The erection, alteration or replacement of one or more extensions to a dwellinghouse, comprising —
  - (a) a ground floor extension or conservatory;
  - (b) an attached garage or car port;
  - (c) a porch; or
  - (d) an addition to the roof in the form of a “**dormer**”.
- This is subject to the conditions in sub-paragraphs (2) to (4) (in addition to those specified in paragraph 15).
- (2) In the case of an extension which is not a porch or a dormer, those conditions are —
  - (a) no part of the extension 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 the case of an extension to a rear elevation which fronts a highway, be nearer than whichever of the following is nearer to that highway —
      - (A) any part of the original dwellinghouse at that rear elevation; or
      - (B) 20 metres;
    - (iii) extend beyond the rear wall of the original dwellinghouse by more than —
      - (A) 4 metres in the case of a detached dwellinghouse; or
      - (B) 3 metres in the case of any other dwellinghouse;
    - (iv) extend beyond a wall forming a side elevation by more than 4 metres from the position of the side wall of the original dwellinghouse;
    - (v) in the case of a rear extension, be wider than the width of the original dwellinghouse;
    - (vi) be nearer than 1 metre to the boundary of the curtilage of the dwellinghouse; or

- (vii) 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;
- (b) the extension (other than by the addition of a porch) may not result in the area of ground covered by the dwellinghouse being more than 35 square metres or 1.5 times greater than the footprint of the original dwellinghouse;
- (c) the height of the extension above ground level may not exceed—
  - (i) at any part, the lesser of 4 metres or the height of the highest part of the roof of the existing dwellinghouse (excluding any chimney);
  - (ii) at eaves level, the lesser of 3 metres or the height of the eaves of the existing dwellinghouse;
  - (iii) at the top of any parapet wall, 3.5 metres; or
  - (iv) for any part of the extension within 2 metres of the boundary of the curtilage of the dwellinghouse, 3 metres (measured from the lowest point immediately adjacent to where the works are to take place);
- (d) the external finish of any walling or pitched roof must match that of the majority of the rest of the dwellinghouse;
- (e) any windows which will form part of a principal elevation or, where that elevation fronts a highway, a side elevation must replicate the proportions and materials of the windows on the ground floor of the same elevation;
- (f) any extension to a side elevation must be set back by at least 0.5 metres from the nearest point in any wall comprised in the principal elevation of the original dwellinghouse; and
- (g) No works are authorised by sub-paragraph (1) which consist of or include any of the following —
  - (i) an alteration to any part of the roof of the existing dwellinghouse;
  - (ii) the construction or provision of a deck, balcony, veranda or other raised platform;
  - (iii) the provision of a basement;
  - (iv) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
  - (v) the installation, alteration or replacement of a microwave antenna.

(3) In the case of an extension which is a porch, those conditions are —

- (a) the porch must be outside an external door of a dwellinghouse;

- (b) the area of ground covered by the porch must not exceed 3 square metres in total;
- (c) no part of the porch may be within 3 metres of a highway;
- (d) the height of the porch must not exceed 3 metres above ground level;
- (e) a porch located on a principal elevation or, where it fronts a highway, a side elevation, must —
  - (i) where it adjoins only one wall have a dual pitched roof the ridge of which runs perpendicular to the wall to which it is attached;
  - (ii) where it is attached to more than one wall, must have either a dual or mono-pitched roof;
- (f) the external finish of any walling or pitched roof must match that of the majority of the rest of the dwellinghouse;
- (g) the erection, alteration or replacement of a porch on a dwellinghouse constructed prior to 1920 where that porch is or would be,
  - (i) on the principal elevation; or
  - (ii) on a side elevation that fronts a highway;
- (h) the porch must not be nearer than 1 metre to the boundary of the curtilage of the dwellinghouse;
- (i) no part of the porch 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.

(4) In the case of an extension which is a dormer, those conditions are —

- (a) the dormer may only be located on a rear elevation which does not front a highway;
- (b) the boundary of the curtilage of the dwellinghouse that the dormer fronts must be at least 10 metres away from the outside edge of the rear elevation (measured at ground level);
- (c) the dormer must, at its nearest point, be at least 0.5 metres from the top of the roof plane (measured at the ridge, excluding any chimney) the bottom of the roof plane (measured at the eaves) and the side of the roof plane (measured at the point where the external face of the side elevation intersects the roof);
- (d) no part of the roof of the dormer may be higher than it is at the point it joins the main roof;
- (e) the roof of the dormer must either match that of an existing dormer within the same roof plane or have a roof that is not flat;
- (f) no dormer may be wider than 2 metres and the cumulative width of all dormers on any roof plane must not exceed 50% of the width

of that roof plane (measured at the point where the external face of the side elevation intersects the roof);

- (g) no dormer may be within 1 metre of another dormer;
- (h) 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;
  - (iii) the installation, alteration or replacement of a microwave antenna;
  - (iv) new or replacement roof;
- (i) any window inserted in a wall or roof slope forming a side elevation and being within 15 metres of the curtilage of a relevant neighbouring dwelling must be —
  - (i) obscure glazed; and
  - (ii) non-opening, unless the parts of the window which can be opened are 1.7 metres or more above the floor of the room in which the window is installed;
- (j) the dormer must not result in dormers being present on more than one roof plane of the dwellinghouse;
- (k) the erection, alteration or replacement of a dormer on a house constructed prior to 1920 is not permitted; and
- (l) the colour of the dormer must match either the roof or the walls of the main dwellinghouse.

## 18 Class 14A Domestic electric vehicle charging units

- (1) The installation, alteration or replacement of an electric vehicle charging unit and any associated underground pipework 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) for wall-mounted installations —
    - (i) the charging unit must not have a volume exceeding 0.2 cubic metres; and
    - (ii) if within 2 metres of a highway, the charging unit must not be mounted on a wall that fronts that highway;
  - (b) for upstanding installations —

- (i) the highest point of the charging unit must not exceed 1.6 metres from the level of the surface used for the parking of a vehicle;
- (ii) no part of the charging unit may be nearer to any highway which bounds the curtilage of the dwellinghouse than the nearer of —
  - (A) that part of the dwellinghouse nearer to that highway; or
  - (B) 20 metres;
- (iii) no part of the charging unit may be within 2 metres of a highway; and
- (iv) the installation of the charging unit must not result in more than one upstanding installation being provided for each parking space.

#### **19 Class 15 Garden sheds, summer houses and pergolas**

- (1) ~~The erection, alteration or replacement of one or more garden sheds, summer houses 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 shed, summer house or pergola must not exceed 2.8 metres above ground level;~~
  - (b) ~~the area of ground covered by garden sheds, summer houses or pergolas must not cumulatively exceed 15 square metres in total;~~
  - (c) ~~no part of the garden shed, summer house or pergola may be nearer to any highway which bounds the curtilage of the dwellinghouse than the nearer of —~~
    - (i) ~~that part of the dwellinghouse nearest to that highway; or~~
    - (ii) ~~20 metres; and~~
  - (d) ~~no part of the garden shed, summer house or pergola may be nearer than 1 metre to any part of the dwellinghouse or the boundary of the curtilage of the dwellinghouse.~~

#### **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 5 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 purpose 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.

## 20 Class 16 Fences, walls and gates

(1) The erection, construction, replacement or alteration of fences, walls or gates within, or on the boundary of 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) in the case of the erection or construction of a new fence, wall or gate, the height measured from ground level must not exceed —
  - (i) 1 metre if positioned nearer than the dwellinghouse to any highway or private road which bounds the curtilage; or
  - (ii) 2 metres in any other case;
- (b) in the case of the alteration or replacement of an existing fence, wall or gate, the height as measured from ground level of the altered or replaced fence, wall or gate must not exceed the greater of —
  - (i) the height specified in sub-paragraph (2)(a)(i) or (a)(ii), as the case may be; or
  - (ii) in the case of a fence or any gate in a fence, the height of the fence or gate before its alteration or replacement;
- (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;
- (e) any wall must not be constructed 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; and
- (f) no gates may open out over the highway.

(3) For the purposes of this Class, when measuring the height from ground level where the ground is sloping, the height should be measured from both sides of the fence, wall or gate, prior to any works taking place, and at the lowest point immediately adjacent to where the works are to take place.

## 21 Class 17 Private garages and car ports

- (1) The erection, alteration or replacement of a detached private garage or detached car port 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) there must only be one private garage or car port within the curtilage of the dwellinghouse;
  - (b) the eaves level must be no higher than 2.9 metres and the overall height must be no higher than 4 metres;
  - (c) the roof pitch must match that of the main dwellinghouse as far as is practicable without contravening condition (b);
  - (d) the maximum width must not exceed 6.8 metres;
  - (e) the maximum length must not exceed 6.8 metres;
  - (f) no part of the garage or car port may project beyond the forward most part of the dwellinghouse which fronts a highway;
  - (g) every part of the garage or car port must be a minimum of 6 metres from a highway including a rear or side lane;
  - (h) no part of the garage or car port may be nearer than 1 metre to any part of the dwellinghouse or the boundary of the curtilage of the dwellinghouse;
  - (i) the garage or car port must not be used for general living or sleeping purposes;
  - (j) no part of the development 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; and

(k) the external finish of any walling or pitched roof must match that of the majority of the rest of the dwellinghouse.

## 22 Class 18 Domestic fuel storage tanks

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

This is subject to the conditions in sub-paragraph (2).

(2) Those conditions are (in addition to those specified in paragraph 15) –

- (a) no part of the tank may be more than 2 metres above ground level;
- (b) 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 nearer to that highway; or
  - (ii) 20 metres, whichever is the nearer;
- (c) no part of the tank 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; and
- (d) no more than one oil or gas tank may be installed on the property.

## 23 Class 19 Waste water treatment system

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

This is subject to the condition in sub-paragraph (2).

(2) The condition is (in addition to those specified in paragraph 15) that no part of the development 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.

## 24 Class 20 Flagpole

(1) The erection, alteration or replacement of a flagpole 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) no more than one flagpole is allowed;
- (b) the height of the flagpole must not exceed 5 metres above ground level; and
- (c) the flagpole must not be used for the display of any advertisement.

**25 Class 21 Construction of decking**

(1) The construction, alteration or replacement of decking 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) no part of the top surface of the decking may be higher than 0.5 metres above the ground level as existed before the development;
- (b) no part of the decking may be nearer to any highway which bounds the curtilage of the dwellinghouse than that part of the dwellinghouse nearer to that highway; and
- (c) the decking may include the provision of perimeter fencing or railings where these do not exceed a height of 2.3 metres above ground level before the development.

(3) For the purposes of this Class, when measuring the height from ground level where the ground is sloping, the height should be measured from within the site, prior to any works taking place and at the lowest point immediately adjacent to where the works are to take place.

**26 Class 21A Chimney, flue, soil and vent pipe**

(1) The installation, alteration, replacement or removal of a chimney, flue, or soil and vent pipe on 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) no works are permitted to any elevation which fronts a highway;
- (b) the height of the chimney, flue, or soil and vent pipe must not exceed the highest part of the roof it is situated on by 1 metre or more;
- (c) any works carried out under this Class must be coloured either black or to match the colour of the majority of the existing dwellinghouse; and
- (d) the removal or alteration of a chimney is not permitted if it is installed on or forms part of a wall or roof plane which forms part of the principal or a side elevation.

**27 Class 22 Solar panels (stand-alone)**

(1) The installation, alteration or replacement of stand-alone solar panels (or photovoltaic or solar thermal equipment) 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) no more than one stand-alone array may be installed within the curtilage of a dwellinghouse;
- (b) the total surface area of the solar panels must not exceed 9 square metres and any dimension of its array (including any housing) must not exceed 3 metres;
- (c) no part of a panel or associated structure may be –
  - (i) higher than 2 metres above ground level; or
  - (ii) in the case of a dwellinghouse which has a highway on the bounds of its curtilage, nearer than whichever of the following is nearer to that highway –
    - (A) any part of the dwellinghouse; or
    - (B) 20 metres; and
- (d) no part of the stand-alone solar panels 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.

## 28 Class 23 Heat pumps

- (1) The installation, alteration or replacement of a ground or water source heat pump and any associated underground pipework within the curtilage of a dwellinghouse, including the sinking of boreholes and the installation of any plant or machine reasonably necessary in connection with such boreholes.

This is subject to the conditions in sub-paragraph (2).

- (2) Those conditions are (in addition to those specified in paragraph 15) –
  - (a) no more than 2 pumps may be installed on the property; and
  - (b) no part of the development 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.

## 29 Class 23A Air source heat pumps

- (1) The installation, alteration or replacement of an air source heat pump and any associated underground pipework 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) no part of a pump may be nearer than 1 metre to the boundary of the curtilage of the dwellinghouse, where the boundary is with a relevant neighbouring building;

- (b) no part of a pump may be nearer to any highway which bounds the curtilage of the dwellinghouse than the nearer of —
  - (i) that part of the dwellinghouse nearest to that highway; or
  - (ii) 20 metres;
- (c) no part of a pump may be installed on any part of a wall that fronts a highway;
- (d) no more than 2 pumps may be installed within the curtilage of the dwellinghouse;
- (e) the volume of each pump's outdoor compressor unit (including housing) must not exceed 1 cubic metre;
- (f) the pumps together must not result in a noise that exceed 42 dB LAeq 5 mins;
- (g) a pump's specification must be displayed externally on the pump's outdoor compressor unit;
- (h) the lowest part of a pump's outdoor compressor unit must not be more than 1 metre above ground level;
- (i) a pump must be used only for heating purposes;
- (j) a pump must be removed as soon as practicable after it is no longer required for heating purposes;
- (k) a pump must be installed, operated and maintained in accordance with the manufacturer's specification; and
- (l) no part of the air source heat pump and any associated underground pipework 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.

(3) For the purpose of this Class —

**"L<sub>Aeq</sub> 5 mins"** means the A-weighted equivalent continuous sound pressure level over 5 minutes when measured at 1 metre external to the centre point of any relevant door or window to any neighbouring building as measured perpendicular to the plane of that relevant door or window;

**"non-habitable room"** means bathroom, utility room, hallway, corridor, stair, landing, garage, porch, and storage;

**"relevant door or window"** means a door or window other than a door or window to a non-habitable room, garage, greenhouse, polytunnel, shed or summerhouse; and

**"ground level"** means the level of the ground measured directly adjacent to the pump's outdoor compressor unit and, where the ground is sloping, it is the highest part of the ground next to the unit.

**30 Class 24 Windows and doors in a dwellinghouse**

(1) The installation, alteration or replacement of a window or an external door in an existing aperture in a dwellinghouse.

This is subject to the conditions in sub-paragraph (2).

(2) Those conditions are —

- (a) no alteration may be made in the size, shape or position of the aperture, unless that aperture is on the ground floor and in a wall which is not —
  - (i) a principal or side elevation; or
  - (ii) an elevation which fronts a highway;
- (b) no aperture may be larger than the greater of the existing size or 1.6 metres high and 1.8 metres wide; and
- (c) no windows or doors may open over any part of the highway or boundary of the dwellinghouse.

**31 Class 24A Conservatory roofs**

(1) The installation, alteration or replacement of a conservatory roof of a dwellinghouse.

This is subject to the conditions in sub-paragraph (2).

(2) Those conditions are —

- (a) no part of the roof may be more than 200mm higher than the height of the roof before the works when measured parallel with the external surface of the original plane of the roof slope as originally constructed;
- (b) no part of the replacement roof may overhang more than 200mm than the roof before the works;
- (c) the tiling or roofing of any replacement roof must match, or be similar to, the roof of the main dwellinghouse; and
- (d) the tiling of any alteration must either match, or be similar to, the existing tiling of the roof or the roof of the main dwellinghouse.

**32 Class 25 Doors**

(1) Works consisting of the installation, alteration or removal of doors or their replacement with a window within a dwellinghouse.

This is subject to the conditions in sub-paragraph (2).

(2) Those conditions are —

- (a) works may only be undertaken on a rear elevation which does not front a highway;
- (b) no works may be undertaken other than at a ground floor level;

- (c) any new or altered door aperture must be no wider than 5 metres; and
- (d) where a door is replaced by a window, that window must be no wider than the door it replaces.

(3) For the purpose of this Class, “**doors**” include patio doors, French windows, bi-folding doors and sliding doors, but excludes garage doors.

### 33 Class 26 Garage doors

- (1) Works to a garage, consisting of —
  - (a) the replacement of a garage door and frame with another garage door and frame;
  - (b) the replacement of a garage door and frame with a window; or
  - (c) where a garage door has previously been replaced by a window the replacement of that window and any walling installed alongside that window with a garage door.

This is subject to the conditions in sub-paragraph (2).
- (2) Those conditions are —
  - (a) the garage must be either an integral garage or an attached garage (i.e. not detached from the dwellinghouse);
  - (b) the external finish of any walling constructed as part of the works must match that on the major part of the dwellinghouse; and
  - (c) where a garage door and frame are replaced with a window—
    - (i) 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
    - (ii) the development is allowed only if, on completion of the development, at least 2 car parking spaces remain within the curtilage of the dwellinghouse.
- (3) For the purpose of sub-paragraph (2)(c)(ii) the minimum size permitted for a car parking space is 6 metres by 3.25 metres.
- (4) For the purpose of this Class, the internal space of an integral or attached garage may be used as part of the main dwellinghouse to which the garage is attached. This does not constitute development.

### 34 Class 27 Satellite dishes

- (1) The installation, alteration or replacement of a satellite dish on, or within a curtilage of a dwellinghouse.

This is subject to the conditions in sub-paragraph (2).

- (2) Those conditions are —

- (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.

### 35 Class 28 Roof-lights

- (1) The installation, alteration or replacement of a roof-light in the roof of a dwellinghouse or garage.

This is subject to the conditions in sub-paragraph (2).

- (2) Those conditions are—

- (a) the roof-light must not protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
- (b) the highest part of the roof-light must not be higher than the highest part of the original roof;
- (c) the works must not result in more than 50% of any roof plane of the dwellinghouse being covered by roof-lights;
- (d) on a roof slope which forms part of a principal elevation or, where that elevation fronts a highway, part of a side elevation —
  - (i) no more than 3 roof-lights are permitted on any roof slope of the dwellinghouse; and
  - (ii) no roof-light may exceed 1 square metre in size;
- (e) any roof-light located on a roof slope forming a side elevation of the dwellinghouse must be—
  - (i) obscure-glazed; and
  - (ii) non-opening unless the parts of the roof-light which can be opened are more than 1.7 metres above the floor of the room in which the roof-light is installed; and
- (f) no works are authorised by sub-paragraph (1) which consist of or include any of the following —
  - (i) the installation, alteration or replacement of a chimney, flue, or soil and vent pipe; or
  - (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

### 36 Class 29 Rebuilding

The rebuilding of a building or other structure within the curtilage of a dwellinghouse, which itself is not the dwellinghouse —

- (a) was approved by a planning application submitted on or after 1 January 1984;
- (b) which results in a new building or other structure which accords with the original planning application drawings; and
- (c) where no conditions other than the time for commencement were attached to the original planning approval.

## PART 3—AVIATION DEVELOPMENT

### 37 Class 30 Development at an airport

- (1) The carrying out of development on airport land by the airport operator or its agent (including the erection or alteration of an airport building) in connection with the provision of services and facilities at the Airport.  
This is subject to the conditions in sub-paragraph (2).
- (2) Those conditions are that the development must not 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.
- (3) For the purposes of sub-paragraph (2)(c), floor space is calculated by external measurement and without taking account of the floor space in any pier or satellite.

### 38 Class 31 Air navigation development at airport

The carrying out on airport land within the perimeter of the Airport by the airport operator 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.

**39 Class 32 Air navigation development near airport**

(1) The carrying out on airport land outside but within 1 kilometre of the perimeter of the Airport, by the airport operator 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.

This is subject to the conditions in sub-paragraph (2).

(2) Those conditions are —

- (a) any building erected must not 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 must not exceed 4 metres in height; and
- (c) the height of any radar or radio mast, antenna or other apparatus must not exceed —
  - (i) 15 metres in the case of a new installation; or
  - (ii) the height of any existing mast, antenna or apparatus in the case that they are being replaced.

**40 Class 33 Stationing of moveable apparatus in an emergency**

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

This is subject to the condition in sub-paragraph (2).

(2) 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.

**41 Class 34 Use of airport buildings**

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

**42 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 DEVELOPMENT

### 43 Class 36 Demolition of part of building

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

This is subject to the conditions in sub-paragraph (2).

(2) Those conditions are —

- (a) in the case of an elevation of a building that can be seen from any highway which bounds the curtilage of that building, the part of the building referred to in sub-paragraph (1) must not be visible on that elevation; and
- (b) any exposed part of the building must be made good with matching materials to that on the remaining part of the building.

### 44 Class 37 Satellite dish

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

This is subject to the conditions in sub-paragraph (2).

(2) Those conditions are —

- (a) the size of the dish (excluding any projecting feed element) measured in any direction must not exceed 90cm;
- (b) on completion of the development, the dish must not be visible on an elevation of the building that can be seen from any highway which bounds the curtilage of the building; and
- (c) no lettering, logo or other advertisement may be marked on or attached to the dish.

### 45 Class 38 Windows and doors in a building other than a dwellinghouse

(1) The installation, alteration or replacement of a window or an external door in an existing aperture in a building other than a dwellinghouse.

This is subject to the conditions in sub-paragraph (2).

(2) Those conditions are —

- (a) there must already be an existing window or door in place where the proposed development is to take place;
- (b) no alteration may be made in the size, shape or position of the aperture, unless that aperture is on the ground floor of a wall which is not —
  - (i) a principal or side elevation; or
  - (ii) an elevation which fronts a highway;

- (c) no aperture may be larger than the greater of the existing size or 1.6 metres high and 1.8 metres wide; and
- (d) no windows or doors may open over any part of the highway or boundary of the building.

#### 46 Class 39 Fences, walls and gates outside the curtilage of a dwellinghouse

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

This is subject to the conditions in sub-paragraph (2).

- (2) Those conditions are —

- (a) in the case of the erection or construction of a new fence, wall or gate the height as measured from ground level must not exceed —
  - (i) 1 metre, where the fence, wall or gate is adjacent to a highway or private road; and
  - (ii) 2 metres, in any other case;
- (b) in the case of the alteration or replacement of an existing fence, wall or gate, the height as measured from ground level must not exceed the greater of —
  - (i) the height specified in sub-paragraph (2)(a)(i) or (a)(ii), as the case may be; or
  - (ii) in the case of a fence or any gate in a fence, the height of the fence or gate before its alteration or replacement;
- (c) any wall must not be constructed 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;
- (d) no gates may open out over the highway or any footpath;
- (e) 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);
- (f) no part of the development may be constructed within 9.1 metres of the bank of any designated watercourse under the Flood Risk Management Act 2013;
- (g) in the case that the main building within the curtilage falls within Part 3 of the Use Classes Order (tourist and residential uses), then any fence which is nearer to any highway than any part of the main building, must be constructed of vertical posts with spaces between, and not be of a solid construction; and
- (h) in the case that the main building within the curtilage falls within Part 3 of the Use Classes Order (tourist and residential uses), then

any wall must be constructed with coping at least 50mm deep, and must be constructed of —

- (i) stone traditionally laid;
- (ii) facing brickwork; or
- (iii) rendered blockwork.

(3) For the purposes of this Class, when measuring the height from ground level where the ground is sloping, the height should be measured from both sides of the fence, wall or gate, prior to any works taking place and at the lowest point immediately adjacent to where the works are to take place.

#### **47 Class 40 Forestry development**

(1) The carrying out on land used for the purpose of forestry development reasonably necessary for that purpose and consisting of —

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

This is subject to the condition in sub-paragraph (2).

(2) Development within this Class may not be carried out within 25 metres of a highway.

#### **48 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.

#### **49 Class 42 Solar Panels (Roof mounted)**

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

This is subject to the conditions in sub-paragraph (2).

(2) Those conditions are that the solar photovoltaic or solar thermal equipment —

- (a) must not extend more than 200mm beyond the plane of the roof slope;
- (b) must not be higher than the highest part of the roof excluding any chimney; and
- (c) must not be situated on a horizontal roof.

#### **50 Class 43 School cycle shelters**

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

This is subject to the conditions in sub-paragraph (2).

(2) Those conditions are that the cycle shelter must not —

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

## 51 Class 44 Replacement roofs

(1) The installation of a replacement roof (including part of a roof) on any building.

This is subject to the conditions in sub-paragraph (2).

(2) Those conditions are —

- (a) the replacement roof must be of similar materials and colour to the roof (or part) being replaced;
- (b) the replacement roof (or part replaced) must not be lower than the roof or part being replaced or more than 200mm higher than that roof or part;
- (c) the replacement roof (or part replaced) must not extend more than 200mm further than the plane of the roof or part being replaced;
- (d) the building must not be attached to another building;
- (e) no part of the building was built before 1920; and
- (f) the replacement roof (or part replaced) must be the same pitch as the roof (or part) being replaced.

**SCHEDULE 2**

## Article 4(2)

**DEVELOPMENT WITHIN CONSERVATION AREAS AND SCHEDULE 3 LAND****PART 1—DEVELOPMENT WITHIN CONSERVATION AREAS AND SCHEDULE 3 LAND****1 Class 1 Repairs to services**

(1) Development 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, private road or other land for that purpose.

This is subject to the conditions in sub-paragraph (2).

(2) Those conditions are —

(a) the land must be reinstated to its condition before the commencement of the development; and

(b) 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 development.

**2 Class 2 Highway works**

(1) Development by or on behalf of the Department of Infrastructure under the Highways Act 1986 and within an existing highway, consisting of —

(a) works required for or incidental to the maintenance of the highway.

This is subject to the condition in sub-paragraph (2);

(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);

(c) development within sub-paragraphs (1)(a) and (1)(b) which could be considered an upgrade or improvement to standards or technology and which has a similar or smaller footprint to the existing development;

(d) the provision of dropped kerbs, tactile type and corduroy type paving on existing cycle paths, cycle tracks, footpaths and footways; and

(e) the provision of kassel type and non-standard height kerbing at bus stops or to control motorised and non-motorised traffic.

These are subject to the condition specified in sub-paragraph (3).

- (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 development.
- (3) No works are authorised by sub-paragraph (1) outside the boundary of the existing highway.

### 3 Class 3 Sewerage and sewage disposal

- (1) Development by or on behalf of a sewerage authority consisting of —
  - (a) development not above ground level required in connection with the provision, improvement, maintenance or repair of a sewer, outfall pipe, sludge main or associated apparatus.

This is subject to the conditions in sub-paragraph (2);
  - (b) the provision of plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation.

This is subject to the condition in sub-paragraph (3); and
  - (c) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel.
- (2) The conditions referred to in sub-paragraph (1)(a) are —
  - (a) on completion of the development, the land must be reinstated to its condition before the commencement of the development; and
  - (b) 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 development.
- (3) The condition referred to in sub-paragraph (1)(b) is that on the earlier of —
  - (a) completion of the survey or investigation; or
  - (b) the expiry of 12 months beginning with the commencement of the development,

development must cease and all such buildings, plants or apparatus must be removed and the land restored as soon as reasonably practicable to its condition before the development took place.

### 4 Class 4 Water supply

- (1) Development by or on behalf of Manx Utilities Authority for the purpose of its functions consisting of —
  - (a) development not above ground level required in connection with the provision, improvement, maintenance or repair of a main, pipe or other apparatus.

This is subject to the conditions in sub-paragraph (2);
  - (b) the provision of plant, machinery or apparatus in, on, over or under land for the purposes of survey or investigation.

This is subject to the condition in sub-paragraph (3);

- (c) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel; and
- (d) any works authorised or required in connection with an order made under section 5 of the Water Act 1991 (orders to meet deficiencies in water supply).

(2) The conditions referred to in sub-paragraph (1)(a) are –

- (a) on completion of the development, the land must be reinstated to its condition before the commencement of the development; and
- (b) 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 development.

(3) The condition referred to in sub-paragraph (1)(b) is that on the earlier of –

- (a) completion of the survey or investigation; or
- (b) the expiry of 12 months beginning with the commencement of the development,

development must cease and all such buildings, plants or apparatus must be removed and the land restored as soon as reasonably practicable to its condition before the development took place.

## 5 Class 5 Railway works

(1) Development by the Department of Infrastructure on land within the site of an existing railway line consisting of works required in connection with the movement of traffic by rail.

This is subject to the condition in sub-paragraph (2).

(2) The development must not 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

Development for the purposes of any tramway works 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**

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

This is subject to the conditions in sub-paragraph (2).

(2) Those conditions are —

- (a) on completion of the development, the land must be reinstated to its condition before the commencement of the development; and
- (b) 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 development.

**8 Class 8 Electricity supply**

(1) Development by or on behalf of the Manx Utilities 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.

This —

- (i) includes a development consisting of the replacement of a support where the height of the new support does not exceed that of the existing support; and

- (ii) is subject to the conditions in sub-paragraph (2);

- (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.

This —

- (i) includes a development consisting of the replacement of a support where the height of the new support does not exceed that of that existing support; and

- (ii) is subject to the conditions in sub-paragraph (3);

- (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.

This is subject to the condition in sub-paragraph (4).

(2) The conditions referred to in sub-paragraph (1)(a) are —

- (a) the development must not consist of or include the installation of an electric line, telecommunications line or other plant or apparatus above ground level;
- (b) the development must not 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;
- (c) on completion of the development, the land must be reinstated to its condition before the development took place;
- (d) 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 development;
- (e) in the case of development 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; and
- (f) in the case of development 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 development has been carried out to install that line must be restored as soon as reasonably practicable to its condition before the development took place.

(3) The conditions referred to in sub-paragraph (1)(b) are –

- (a) the development must not consist of or include the installation of an electric line, telecommunications line or other plant or apparatus above ground level;
- (b) the development must not 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;
- (c) on completion of the development, the land must be reinstated to its conditions before the development took place;
- (d) 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 development.

(4) The condition referred to in sub-paragraph (1)(c) is that on the earlier of –

- (a) completion of the development; or
- (b) at the end of 12 months from the commencement of the development, 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 development took place.

(5) Expressions used in Class 8 have the same meanings as in Class 10 (Electricity supply) of Schedule 1.

## PART 2—EXTENSION OF CLASSES TO CONSERVATION AREAS ONLY

### 9 Part 2 of Schedule 1 extensions

(1) In the case of works within a conservation area and outside Schedule 3 land the following Classes of Schedule 1 apply, subject to the conditions specified in this sub-paragraph, in addition to the conditions specified in each respective Class —

- (a) Class 13 Greenhouses and polytunnels (paragraph 16);
- (b) Class 14 Extension of dwellinghouse (paragraph 17);
- (c) Class 14A Domestic electric vehicle charging units (paragraph 18);
- (d) Class 15 ~~Garden sheds, summer houses~~ Garden buildings and pergolas (paragraph 19);
- (e) Class 18 Domestic fuel storage tanks (paragraph 22);
- (f) Class 19 Waste water treatment system (paragraph 23);
- (g) Class 21 Construction of decking (paragraph 25);
- (h) Class 22 Solar panels (stand-alone) (paragraph 27);
- (i) Class 23 Heat pumps (paragraph 28);
- (j) Class 23A Air source heat pumps (paragraph 29);
- (k) Class 24 Windows and doors in a dwellinghouse (paragraph 30);
- (l) Class 24A Conservatory roofs (paragraph 31);
- (m) Class 25 Doors (paragraph 32);
- (n) Class 28 Roof-lights (paragraph 35);
- (o) Class 29 Rebuilding (paragraph 36);
- (p) Class 38 Windows and doors in a building other than a dwellinghouse (paragraph 45);
- (q) Class 41 Closed-circuit television cameras (paragraph 48);

This is subject to the conditions in sub-paragraph (2).

(2) Those conditions are —

- (a) the development may only take place at the rear elevation of the building or in the case of a dwellinghouse, in a rear garden, but this condition does not apply in the case of Class 24 (Windows and

doors in a dwellinghouse) or Class 38 (Windows and doors in a building other than a dwellinghouse);

(b) in the case of Class 14 (Extension of dwellinghouse), the extension cannot consist of or include —

- (i) the erection, alteration or replacement of a car port or an addition to the roof in the form of a “**dormer**”; or
- (ii) the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles;

(c) in the case of Class 24 (Windows and doors in a dwellinghouse) and Class 38 (Windows and doors in a building other than a dwellinghouse) —

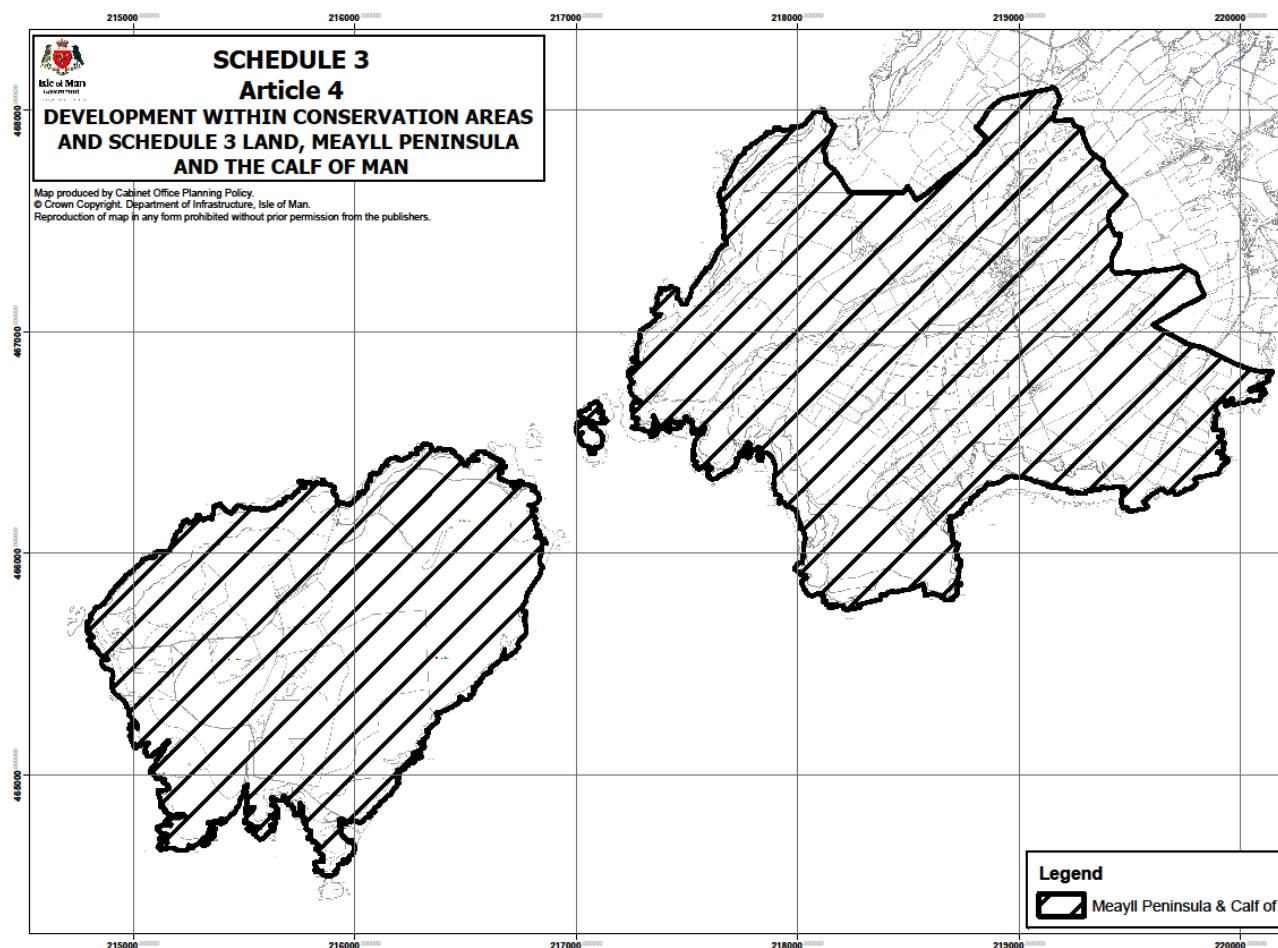
- (i) any replacement window must match the colour, proportion, opening method and pattern and section of glazing bars and sash horns of the existing windows being replaced, unless the window being replaced has been unlawfully installed;
- (ii) in the case that the existing window has glazing bars which are applied externally, the window being replaced must also have externally applied glazing bars, unless the window being replaced has been unlawfully installed;
- (iii) any replacement door must match the colour, glazing and panel layout of the existing door being replaced unless the door being replaced has been unlawfully installed;
- (iv) in the case that the existing window or door has been unlawfully installed, the conditions specified in sub-paragraphs (2)(c)(i), (ii) and (iii) apply, except that references to the “existing window” or “existing door” shall instead be read as a reference to “the window or door that was most recently and lawfully installed in the building”;
- (v) the replacement of windows or doors which are leaded or contain stained glass or fanlights is not permitted;
- (vi) the replacement of a door on a principal elevation must not include the replacement of the frame; and

(d) in the case of Class 41 (closed-circuit television cameras), the development must not be visible from any highway or other public place which bounds the curtilage of the building.

(3) For the purposes of sub-paragraph (2)(a), a “**rear garden**” means a garden that is on the opposite side of the dwellinghouse to the principal elevation, but does not include cases where there is a highway closer to that garden than any part of the existing dwellinghouse.

**SCHEDULE 3****Article 4****DEVELOPMENT WITHIN CONSERVATION AREAS AND SCHEDULE 3 LAND**

## MEAYLL PENINSULA AND THE CALF OF MAN



***EXPLANATORY NOTE***

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

This Order grants planning approval for Classes of development, subject to conditions specified in Schedules 1 and 2 (article 4). The approved Classes of development comprise of –

- (a) development on land outside conservation areas and Schedule 3 land, specified in Schedule 1. Development 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); and
- (b) development on land within a conservation area and Schedule 3 land, specified in Schedule 2.

This Order revokes and replaces the Town and Country Planning (Permitted Development) Order 2012 [SD 2012/0254].