

**IMPORTANT NOTE**

This consolidated version of the Town and Country Planning (Permitted Development) Order 2012 [SD 0254/2012] has been prepared for information purposes only. While every reasonable effort has been made to ensure the changes have been properly incorporated it cannot be guaranteed that it is free of errors.

This document includes in the amendments made by –

- TRANSFER OF PLANNING AND BUILDING CONTROL FUNCTIONS ORDER 2015 [SD 2015/0150]
- TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 2019 [SD 2019/0392]
- TOWN AND COUNTRY PLANNING (CHANGE OF USE) (DEVELOPMENT) (NO. 2) ORDER 2019 [SD 2019/0459]
- TOWN AND COUNTRY PLANNING (PERMITTED DEVELOPMENT AND CHANGE OF USE) (AMENDMENT) ORDER 2020 [SD 2020/0349]

This document includes in **RED TEXT** the amendments made by –

- **TOWN AND COUNTRY PLANNING (PERMITTED DEVELOPMENT) (AMENDMENT) ORDER 2021 [SD 2021/XXXX]**

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

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

“**Department**” means the Department of Environment, Food and Agriculture<sup>4</sup>;

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

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

“**highway**” means a highway maintainable at the public expense within the meaning of section 3 of the Highways Act 1986, and includes any part of a highway;

“**Main River**” means any river or watercourse treated as a main river for the purposes of the Land Drainage Act 1934;

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

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

“**public body**” means —

- (a) a Department or Statutory Board;
- (b) a local authority; or
- (c) a joint board established under section 7 of the Local Government Act 1985 or section 7 of the Recreation and Leisure Act 1998;

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

“**sewerage authority**” means the Manx Utilities Authority<sup>5</sup> exercising functions under Part 2 of the Sewerage Act 1999;

“**tramway undertaking**” does not include any railway undertaking of Department of Infrastructure<sup>6</sup>.

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

#### 4 Planning approval for certain development

- (1) Planning approval is granted for operations of a class specified in Schedule 1 on any land, not being land within a conservation area, subject to any condition specified in that Schedule and to the ~~condition in paragraph (2A)~~<sup>7</sup> conditions in paragraphs (2A) and (2AA).

- (2) Planning approval is granted for operations of a class specified in Schedule 2 on any land within a conservation area, subject to any condition specified in that Schedule and to the condition in paragraph (2A)<sup>8</sup>.
- (2A) The operations specified in Schedules 1 and 2 must not 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) ~~or be situated closer to such a tree than the required distance.~~
- (2AA) ~~The following Schedule 1 operations must not be situated closer to a tree (other than a tree referred to in section 3(3) of the Tree Preservation Act 1993) than the required distance —~~
- ~~(a) class 14 Extension of dwellinghouse;~~
  - ~~(b) class 17 Private garages and car ports;~~
  - ~~(c) class 18 Domestic fuel storage tanks;~~
  - ~~(d) class 19 Replacement of waste water treatment system;~~
  - ~~(e) class 22 Solar Panels (Stand alone);~~
  - ~~(f) class 23 Heat Pumps;~~
  - ~~(g) class 23A Air source heat pumps; and~~
  - ~~(h) class 43 School cycle shelters.~~
- (2B) For the purpose of paragraph (~~2A2AA~~), 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 —  
 $\sqrt{(\text{stem diameter } 1)^2 + (\text{stem diameter } 2)^2 \dots + (\text{stem diameter } 5)^2}$ ,
- where the stem diameter is measured 1.5 metres above ground level.<sup>9</sup>
- (3) *Deleted*
- (4) Paragraphs (1) and (2)<sup>10</sup> do not apply to an operation, or a material change of use of land, of any class which —
- (a) falls within any exception specified in the relevant Schedule in relation to that class;
  - (b) contravenes any condition lawfully imposed on the grant of planning approval for development of land;
  - (c) requires or involves the formation, laying out or material widening of a means of access to an existing highway used by vehicular traffic; or
  - (d) creates an obstruction to the view of persons using any such highway so as to be likely to cause danger to such persons.

## 5 Direction that approval shall not apply

- (1) If the Department is satisfied that any of the operations specified in Schedule 1 and 2<sup>11</sup> should not be carried out in any particular area without planning approval granted pursuant to an application for the purpose, the Department may by an instrument in writing direct that article 4 shall not apply to such operations or such changes of use in any such area as may be specified in the direction.
- (2) The Department —

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

## 16 Class 16 Fences, walls and gates

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

Conditions:

- (a) the general conditions applicable to Section A;
- (b) the height, of the fence, wall or gate must not exceed—
  - (i) 1 metre if positioned nearer than the dwellinghouse to any highway which bounds the curtilage; or
  - (ii) 2 metres in any other case;
- (c) any fence which is nearer to any highway than the dwellinghouse must be constructed of vertical posts with spaces between, and not be of a solid construction.
- (d) any wall must be constructed of stone traditionally laid, or facing brickwork or rendered brickwork or rendered blockwork all with a coping at least 50 mm deep; ~~and~~
- (da) 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) than the required distance stated in article 4(2B); and
- (e) no gates may open out over the highway or any footpath.

## 17 Class 17 Private garages and car ports

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

Conditions:

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

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

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

**PART 4 — MISCELLANEOUS OPERATIONS**

**36 Class 36 Demolition of part of building**

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

Exceptions:

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

**37 Class 37 Satellite dish**

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

Exceptions:

Operations within this Class are not permitted if —

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

Condition:

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

**38 Class 38 Installation of replacement windows and doors**

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

Exception:

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

Conditions:

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

**39 Class 39 Fences, walls and gates**

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

Exceptions:

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

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

**Condition:**

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) than the required distance stated in article 4(2B).

**40 Class 40 Forestry operations**

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

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

**Exception:**

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

**41 Class 41 Closed-circuit television cameras**

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

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

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

**Conditions:**

Solar photovoltaic or solar thermal equipment may only be situated on a building —

- (a) of a class that is specified in the Schedule to the Use Classes Order; or
- (b) used for a purpose listed in article 5(2)(a) to (q) of the Use Classes Order,

and must not —

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