

Cabinet Office



Isle of Man
Government

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Consultation Summary & Department Responses

Permitted Development Review

Date: November 2024

We Asked - As part of the Built Environment Reform Programme ('BERP'), the Cabinet Office has proposed changes to some of the legislation that sets out what can be done without needing a planning application (Permitted Development Orders).

The review has considered the following three orders:

- the Town and Country Planning (Permitted Development) Order 2012;
- the Town and Country Planning (Permitted Development) (Temporary Use or Development) Order 2015; and
- the Town and Country Planning (Change of Use) (Development) (No. 2) Order 2019

The changes are intended to better apply a proportionate level of protection whilst not unduly preventing development, in particular small scale and routine works.

Public Consultation ran from 10.06.24 to 02.09.24. The consultation was via the consultation hub and Publicity included: E-mails to MHKs/MLCs, Government Departments, Local Authorities and the Planning User Group; press releases/social media posts; and presentations to Local Authorities and discussions with Construction IOM.

You Said – There were 58¹ responses to the survey (given Data Protection respondents were not required to provide details).

We Did – This report is a summary of the responses and the issues they raise (appendix 1 gives overall results and appendix 2 gives detailed comments). The consultations results will inform the final iteration of the Order, which will be considered for approval by Tynwald.

¹ Two responses where people did not visit the question pages before submitting their responses have not been included,

Appendix 1 – Overall Results

Question 1: Are there any proposed classes within the orders that you think should not be included in at all? (please state the order, the class(es) and why)

39 of the 58 responses did not suggest anything should be removed from the draft orders. Several things were raised by only one or two responses, but concerns were raised in relation to tramway works (seven responses), dwellinghouse extensions (four responses), dormer extensions (four responses), and porches (three responses).

Class	Number of Comments
No (i.e. don't think anything proposed should be removed)	18
No relevant comments	21
Don't support any of the changes	2
No PD for Registered Buildings	1
No PD in Conservation Areas	2
Any Change to Commercial Property in Residential Areas	1
Class 2 - Highway Works	1
Class 3 - Land Drainage Works	1
Class 5 - Railway works (within CA) and Class 6 - Railway Works (outside CA)	1
Class 6 - Tramway Works (within CA) and Class 7 (outside CA)	7
Class 12 - Street furniture	1
Class 14 - Extension of dwellinghouse	4
Class 14B - Porches	3
Class 14C - Dormers	4
Class 21 A - Chimney, flue, vent or soil and vent pipe	2
Class 22 - Solar Panels (Stand Alone)	1
Class 24 - Installation of replacement windows and doors	1
Class 24 and 38 Windows and Doors (Conservation Area)	1
Class 29 - Rebuilding	1
28A - Repair, alteration or replacement	1
Class 36 Demolition of part of a building	1
Class 39 Fences Walls or Gates outside a curtilage	1
Class 40 Forestry development	1
Class 44 Replacement Roofs	2
Change of Use Order - Plantations	1
Temporary Uses Order - Public Events	1

Question 2: Is there anything which you think should be permitted development and hasn't been included in the orders? (please state what and why together with any conditions/limitation that you think should apply)

30 of the 58 responses did not suggest anything should be added to the draft orders. Several things were suggested by only one or two responses, but seven responses made comments in relation to chimneys/flues with questions as to whether this would/should allow for the removal of chimneys. Four responses suggested environmental works although there was limited details as to exactly what these would entail.

Class	Number of Comments
No relevant comments	21
No (i.e. don't think anything should be added)	9
Ancillary Structures within Parks	1
ASHP (Non-Residential)	1
Below ground electricity supply within Conservation Areas	1
Bike Shelters and Jet Washing Facilities	1
Biomass Units	1
Bird Hides	1
Board Walks	1
Boreholes	2
Bridges	1
Camp Sites for events that have previously had Full Approval	1
Car Parks	1
Catering Units, Motorhomes & Mobile Toilets	1
CCTV & Visitor Counters	1
Change flat roof to pitched roof	1
Charging Points for Motorhomes	1
Class 12 - Street furniture	1
Class 12B - Play Areas	2
Class 20 - Erection of a flagpole	1
Class 21A - Chimney, flue, vent or soil and vent pipe	7
Class 24 Installation of replacement windows and doors	1
Class 42 - Solar Panels (Roof mounted)	2
Class 7 - Tramway Works (outside CA)	1
Class Q - Barn Conversions (as per other jurisdictions)	1
Domestic windturbines	1
Environmental Works	4
Footpaths, Mountain Bike Trails	1
Klargester Replacements	1
Painting	1
Peel Food Park PD	1
Provisions that apply only to dwellinghouses should be expanded to all buildings	1
Rebuild Garage (same footprint but different use e.g. gym)	1
Residential Development on Brownfield Sites	1
Rural Diversification	2
Solar Panels	1
Swim Ponds	1
Tholtans	1
Upland Flood Management	1

Question 3: Do you think that any of the conditions/limitations that have been applied to the classes should be different? (please state the order, the classes(es) and what you think should be changed)

31 of the 58 responses did not suggest anything should be changed in relation to proposed conditions. Several things were suggested by only one or two responses, but several comments were received in relation to dwellinghouse extensions (five responses), decking and patios (5 responses), sheds, summerhouses and pergolas (4 responses), replacement windows and doors (four responses), fences, walls and gates (three responses), stand-alone solar panels in gardens (three responses) and air source heat pumps (3 responses). It should be noted that in some cases these response suggested conditions should be relaxed and in some cases that they should be increased.

Class	Number of Comments
No relevant comments	20
No	11
Do Not support any additional conditions or limitations	1
Not in support of any of the proposed changes	1
Should not be any provisions that apply only to Government - should apply to all or none	1
Does PD overrule Restrictive Covenants in Deeds?	1
General Conditions	1
Clarify that the Town and Country Planning (Permitted Development) Order 2012 does not apply in Cregneash	1
Class 1 - Repairs to Services (within Conservation Areas)	1
Class 2 - Highway Works	
Class 7 - Tramway Works (outside CA) and Class 6 (inside CA)	1
Class 13 - Greenhouses and polytunnels	1
Class 14 - Extension of Dwellinghouse	5
Class 14A - Domestic electric vehicle charging points	1
Class 14B - Porches	1
Class 14C - Roof Extensions (Dormers)	1
Class 15 - sheds, summer-houses and pergolas	4
Class 16 Fences, walls and gates	3
Class 17 - garages & car port	1
Class 21 - Decking and Patios	5
Class 22 - Solar Panels (Stand Alone)	3
Class 23 - Heat Pumps	1
Class 23A - ASHP	3
Class 24 and 38 Windows and Doors (Conservation Area)	1
Class 24 Installation of replacement windows and doors	4
Class 28 Roof-Lights	1
Class 28A - Repair, alteration or replacement	1
Class 29 - Rebuilding	2
Class 36 - Demolition of part of a building	1
Class 38 - Replacement windows and doors	2
Class 39 - Fences, walls and gates outside a curtilage	1
Class 42 - Solar Panels (Roof mounted)	1
Class 44 - Replacement Roofs	1

Class	Number of Comments
Change of Use - Class 3 (Guest Houses and Taking in Guests)	1
Change of Use - Flats (Class 2)	2
Change of Use Order - Class 1 – Change of use to shops, financial and services or food and drink	1
Class 8 (Afforestation)	
Temporary Uses Order - Class C—Various Racing	1
Temporary Uses Order PDO (not specified)	1

Appendix 2 – Detailed Comments

Note: The comments are grouped by class, not question. Therefore, the first column sets out the class the comment relates to (where relevant), the second whether the response was in relation to question 1 (things that should be removed), 2 (things that should be added) or 3 (things that should be changed) so that where there are differing comments on the same subject they can be seen together. The response is set out in the final column and where changes to the draft orders are proposed these are **highlighted**.

Class	Q	Comment	Response to consultation
General Comments	1	Do not support of ANY of the proposed changes as they will introduce a totally revised regime where developments will be automatically permitted / permitted with a lower level of public scrutiny and the legitimate concerns of relevant interested parties will be completely ignored.	Permitted Development is an established part of the planning process.
General Comments	3	Conditions and limitations should in general be a lot less. I do not support any additional conditions or limitations.	Noted – conditions have been made as simple/streamlined as possible and seeking to strike a balance between sufficient safeguard and flexibility. Where individual suggestions in relation to conditions have been made, these have been considered.
General Comments	2	Too much and increasing bureaucracy is discouraging investment. Planning rules need to become more flexible, less archaic, and hugely simplified. I believe that permitted development should be re-considered to include many more "all buildings" categories, especially where it is considering lighting, repairs, roofs, gutters, maintenance.	Noted – there are a number of categories that apply to all buildings (e.g. solar panels). Maintenance/repair which does not material effect the external appearance is already excluded from the definition of development.
General Comments	2	Control issues such as materials, roof pitch and overlooking in Building Regulations, with provision for neighbours to comment on Building Regulation applications then make all extensions Permitted Development.	It is not clear what advantage there would be to assessing local amenity issues through the Building Regulations Process instead of planning (where these issues are an established part of the process).
General Comments	3	Should be the same for everyone, rather than allowing the government to have provisions that do not apply to other people.	Government's aim is to act in the public interest and is ultimately accountable to the electorate. In addition, there are various duties (such as the Climate Change consideration) that apply to public bodies.
General Comments	2	There should be a default position in favour of the building or substantial renovation of residential accommodation on brownfield sites, with planning & building control concerning themselves with regulatory compliance only.	Comment Noted – setting out the position on issues is the role of Planning Policy not Permitted Development. It is not clear what regulatory compliance means, however the Manx Planning System is based on a flexible approach of case-by-case assessment which is informed by policy, rather than a strict plan and code-led system (such as the USA or Australia).

General Comments	1	<p>There should be no permitted development on any land that is registered heathland/peatland or suspected of being such.</p>	<p>There is limited PD that applies outside of the curtilage of existing buildings, other than that which applies to public bodies (some of whom may use those rights to manage that land in the public interest). Although private forestry tracks and walls/fences may be PD in rural areas (and boreholes are suggested in consultation responses). It is also noted that some forms of PD (such as fences) may be helpful to those managing such areas. Therefore on balance it is not considered that a general restriction for these designations is needed.</p>
General Comments	1	<p>Suggestions for additional scrutiny within Conservation Areas/Registered Buildings</p> <ul style="list-style-type: none"> • There should not be any Permitted Development for Registered Buildings nor in Conservation Areas. • Registered Building Consent should not be required for planning applications in Conservation Areas (change should be made to the Act before any changes are made to the Permitted Development Orders). 	<ul style="list-style-type: none"> • A general condition is proposed so that no Permitted Development would apply to a Registered Building or its curtilage for the main PDO. • There are some expansions within Conservation Areas, but still represent targeted PD with additional safeguards. • Proposals to amend the legislation in relation to Conservation Areas and demolitions is a separate matter and is not required for the changes proposed in the Permitted Development (which have been designed to work both with and without those changes).
General Comments	1	<p>Concerns raised on prematurity of proposals, impact on local character and quality of development:</p> <ul style="list-style-type: none"> • Many/all of the proposals in terms of increasing Permitted Development is inappropriate at this time. • Changes proposed will wreck Manx cultural identity in terms of its buildings and structures and be contrary to Biodiversity Status. • Increasing un-controlled Permitted Developments as per the proposed order will accelerate the 'Bandscape' blight we are seeing on the Island and accelerate the 'Race to the bottom'. • The Isle of Man can never be a cheaper place to live or holiday therefore it is absolutely essential we do not diminish the Island's distinct character and attractiveness especially by making operational changes ahead of policy. • Permitted Development is a method of controlling development that should implement policy not set policy. Several of the matters should be considered as part of the Strategic Plan Review first, and it is premature to consider them as part of this 	<ul style="list-style-type: none"> • Permitted Development is a form of planning approval and is a tool to implement planning policy. The development and review of policy is a separate function that falls to Development Plans, Planning Policy Statements and National Policy Directives. • The purpose of the Permitted Development Review was to identify routine forms of development that do not justify the scrutiny of the planning application process – so existing and frequent applications that are normally approved within the existing policy framework. In addition to this local evidence base, regard has been had to practice in England, Scotland, Wales and Northern Ireland (although noting the very different legal framework). • Within that context, consideration will be given to the comments in relation to whether the PD would result in development which would be contrary to policies or relates to a matter which first requires a clear policy stance. However, the policy is drafted on the basis of the existing policy framework (and can be updated again as that framework changes – noting that planning issues and policy often change) so it is not considered that the overall review of PD is premature in general.

		<p>Permitted Development Review. Several of the suggested categories of PD are contrary to design guidance in Planning Circular 3/91 (which the 2007 Strategic Plan commits to reviewing) and Planning Policy Statement PPS 1/01. Circular 3/91 needs hugely enlarging upon and correcting.</p> <ul style="list-style-type: none"> • The proposals need to be reviewed once a Registered Buildings Officer is in post. In addition, the situation is incomplete in terms of the Registration of buildings, production of design guidance for individual Conservation Areas or updated guidance on what traditional / vernacular buildings look like / comprise (which Cabinet Office should resource). • Not extending PD does not stop development – as applications can still be made. However extensions to PD can create loopholes, the scrutiny of the planning process (with public and professional input) is important to protect the Island’s attractiveness as a place to visit, live and work, and would seem to fly in the face of Government’s objectives, especially the ambitious tourist trade and population growth targets Tynwald has adopted. 	<ul style="list-style-type: none"> • Registration of Buildings (DEFA) and Conservation Area designation and guidance (CABO) are outside the scope of this review, although it is accepted that the process of assessing and designating heritage assets is not complete, which again is reflected in a more cautious approach. • Consideration has been given to the targeted application of restrictions in relation to pre-1920s buildings.
General Comments	1	<p>The loss or disturbance of roosts, or the killing or injury of bats (be that intentional or reckless) is an offence under the Wildlife Act unless it is the incidental result of a lawful operation which could not reasonably have been avoided. Currently the planning process requires a number of works which could impact on bats to submit applications and so trigger the opportunity for the potential presence of bats to be flagged to property owners. If these items are made Permitted Development then that opportunity will be lost, thus increasing the risk that the Ecosystems team will need to be reactive to events rather than proactive. This is a consideration particularly in relation to Class 14B (porches) and 14C (roof extensions), 28A (Repair, alteration or replacement), 29 (Rebuilding) and 44 (replacement roofs).</p>	<p>Planning legislation needs to balance a number of competing issues and therefore whilst wildlife protection is important, a balanced approach is required. Furthermore, making something PD does not remove the need to comply with other legislation (noting the Wildlife Act includes a ‘reasonably avoided’ test). Furthermore, there are already a number of works/activities that are out of the scope of the planning system or are already permitted development.</p>

Temporary Use Order			
Not specified	1	Concern that public events could impact on large numbers of people	Noted, although other controls do exist (for example licensing).
Not specified	3	Events - especially on POS, should not have so long to take down and should be no special arrangements for TT	Proposals try to take a balanced and pragmatic approach to allowing large/important events to take place whilst maintaining safeguards where required.
Not specified	3	Inclusion of a time limitation for customers between the hours of 2300-0700 similar as applied in the City centre.	Such conditions for short term events are problematic to enforce through the planning system and are often better controlled through other regimes, such as licensing.
Change of Use Order			
2 – Change of use to flats or offices (1st floor or above)	3	<ul style="list-style-type: none"> Condition 3 – Disagree as this is an obstacle to development to provide potentially lower price rental on flats – the choice of a view is a subjective matter that should be down to the tenant and the adjusted price they are paying. Implementing the Scottish Planning Regulations whereby the amount of daylight in each room is assessed would be a more prudent approach. Condition 4 – Bin storage should be a must (primary need) and cycle storage should be a secondary consideration so as not to disincentivise development. 	Strategic Plan Housing Policy 17 sets out requirements for flats, with some flexibility on car parking but requirements for internal space and outlook. The Housing (Standards) Regulations 2017 set out in Schedule 2 minimum standards for premises that include storage of waste and bicycles. The approach/conditions reflects these documents, as the PD is intended to implement the existing policy framework. Flat registration applications are made to Environmental Health (or the relevant Local Authority) and will provide for detailed consideration of issues such as storage requirements and so it is not considered the wording within the PD needs to be amended.
1 – Change of use to shops, financial and services or food and drink and Class 2 – Change of use to flats or offices (1st floor or above)	3	Should be more specific about use of words suitable/sufficient in terms of bin/bicycle storage	Permitted Development is intended to deal with routine matters within the scope of existing policy. Strategic Plan Housing Policy 17 identifies a clear and pleasant outlook and refuse storage as requirements. Cycle storage is desirable to deliver active travel/climate change aspirations/policy. Where conversions cannot meet these restrictions it does not preclude an application to that the proposals can be considered on a case-by-case basis.
3 – Guest houses and taking in guests	3	Why limit changing a house to a hotel or combined house and hotel only within residential areas?	The conditions prevent a change to use class 3.3 (Dwellinghouse) or combined use as 3.1 (Hotel and guest house) and 3.3 outside residential areas or where more than 3 bedrooms in the building may be used by guests. Class 3.6 is self-contained tourist unit and there are cases where approval is granted for these in rural areas in order to support the tourist industry but where 'normal' dwellings may not be suitable, including proposals for lodges etc. There are also cases where development plans

			<p>zone areas for tourist or mixed uses to protect the existing tourist offer, and again in such situations a change to residential may benefit from a case-specific assessment.</p> <p>However, provision could be made for change from an existing class 3.3 use to a combined use as 3.3 and 3.1.</p>
8 – Afforestation	3	Why not remove afforestation from the definition of development?	Consideration of the definition of development is a separate workstream.
Main PDO			
General Comments	1	Extensions/buildings and enclosures relating to a business operating in a predominantly residential area should remain the subject of a planning application, as the impact upon neighbouring households may be significant	Noted - No PD is proposed for extensions for commercial buildings.
General Comments	1	Will 'Permitted Development' overrule any 'Restrictive Covenants' in current deeds? Which will take precedence?	Permitted Development is a form of planning consent and so only relates to compliance with requirements under the Town and Country Planning Act.
General Comments	3	Should this also state that providing any development works does not adversely affect the ability to store adequate refuse bins within the curtilage within these General Conditions.	It is considered that if attached as a general condition for all PD this would be too vague.
General Comments	3	PDO criteria should be carefully checked, although appear appropriate - particularly interested in Classes 13 (Greenhouses and polytunnels), 14 (Extension of dwellinghouse), 15 (Garden sheds and summer-houses), & 16 (Fences, walls and gates) as applied within Conservation Areas.	Noted
General Comments	3	<p>CIOM also applied some of the PD provisions to some examples and in light of this made comments in relation to:</p> <ul style="list-style-type: none"> dormers – will inevitably all become flat roofed, no requirement to used pitched roofs/match pitch of dwelling; the Combination of porch, new dormer and rear extension means it is possible to completely alter the appearance of a dwelling; constraints will lead to some very awkward shapes on the rear of buildings; by adding a Building Vacuum Glass (internal secondary glazing) upper windows can be obscured; and maximum height of 3m from lowest ground level on sloping sites is difficult to achieve anything – approval/application will be required for even modest extensions. 	<p>Noted - where proposals cannot meet these restrictions it does not preclude an application to that the proposals can be considered on a case-by-case basis.</p> <p>Consideration of dormers – see below.</p>

Schedule 1 – Development Outside of Conservation Areas

Part 1 – Statutory Authorities

2 – Highway Works	1	Class 2d reconstruction of bridges; many bridges are historic structures of architectural interest. Their reconstruction and by implication, their demolition should not be permitted without specific requirement to obtain planning consent.	Concerns understood and consideration given to amendments.
	3	<p><u>Class 2 (Highway Works)</u></p> <p>A number of general changes are proposed including: Class 2 (Highway Works) in light of response of the Department of Infrastructure (“DOI”) to the previous DEFA Town and Country Planning (Amendment) Bill consultation. In addition to the expansion of the class the definition of a ‘highway’ has been changed to mean “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”. Further consideration should be given to this to confirm that the policy intention is to allow the extension of highway areas over verges as this appears to be the implication.</p>	The IOM Highways Act (1986) makes various provisions in relation to verges. The draft TCPA Bill has definition of highway for Section 6(3) as, “a highway maintainable at public expense for the purposes of the <i>Highways Act 1986</i> . The current PD defines highway as, ““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” – this references footpath/cycleways but not verges. However the grass verge is not a stand-alone feature, it is part of the highway. For example Section 23 of the Highways Act grants the power to plant trees/layout grass verges etc. The proposed definition therefore clarifies the existing situation, “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”.
3 - Land drainage works	1	Should exclude river banks works as these can have visual/amenity impacts. Works not planned within 6 months and undertaken within 12 months of an emergency should not be permitted. Works in Laxey still ongoing 5 years after flooding which is a misuse of the FRMA Powers.	Provisions replicate existing which provide for works required under the Flood Risk Management Act outside of Conservation Areas to be PD.
7 – Tramway Works	1	<p>Various concerns raised in relation to tramways:</p> <ul style="list-style-type: none"> • What is the definition of a Tramway – does it include Manx electric Railway etc.? (could this allow for the removal of the MER?) • Why is the terminology for tramways different to that for railway lines? • Allowing for the ‘removal’ is unacceptable and ‘other alteration’ is concerning (‘renewal of existing’ may be more appropriate). These relate to objects of national heritage/assets and if any removals are to take place it should not be simply permitted under permitted development. This has been added with no supporting evidence for its inclusion. 	<p>The definitions have been reviewed to ensure it is clear that ‘Tramway’ is the Douglas Bay Tram and the MER etc. are railways (as is the current situation).</p> <p>On balance the existing wording as in existing 2012 PDO could be retained, noting that DOI are progressing a Douglas Bay Tramway Amendment Bill which if necessary can contain provisions to amend the PD and can be consulted on/debated in Tynwald in full context.</p> <p>N.B. Any decisions on whether or not to operate trams/trains is outside planning, which is only concerned with the physical infrastructure.</p>

		<ul style="list-style-type: none"> • The existing structures and in some cases station / halt signage on MER are part of the attraction of the MER Their alteration, removal or redesign should not be permitted without specific planning consent. • Railways should not be changed, the horse trams should be reinstalled to the sea terminal. • Whilst much of what is proposed is logical, e.g. easing planning restrictions for maintenance and improvement of tramways, the inclusion of the terms "removal or other alterations" however is worrying, in that it could quite easily be used to close all or part of a heritage line and remove track - of particularly concern would be the stretch of the MER between Laxey and Ramsey – which is very picturesque and forms a vital green transport link for both tourists and locals alike 	
7 – Tramway Works	2	This section does not include any specific reference to overhead lines or electrical distribution systems for the operation of tramways. Whilst these are classed as "apparatus" it is not clear and it would be useful to specifically mention them.	See above.
7 – Tramway Works	3	With regard to Tramway tracks within or outside of Conservation Areas the attribution of removal is only applicable in the context of removal meaning renewal of existing, not total removal. If no understanding of this terminology as a condition / limitation is included then the term 'removal' should be removed. The attribution of realignment should not be considered to be extension / completion / alteration to any that have already have planning consent.	See above.
12- Street Furniture	1	Even outside of Conservation Areas design of a) lamp standards, b) Information Kiosks, c) public shelters and i) walls are important to local amenity so should be excluded. Concerns on some examples of inappropriate works being unauthorised or approved by condition, in both cases without public consultation.	It is acknowledged that these can be an important part of the streetscene, as can other works such as planting etc. However there is a limit to the resources available for planning and also this is limited to public bodies (see response under General Comments).
12 – Street Furniture	1	Class 12 (f) could be changed to signposts and wayfinder type signs	Agreed – this could be added
N/A	2	Possible provision to allow development within recreational/amenity space e.g. Onchan Park for example service/maintenance structures, clubhouses, and sports facilities. A similar application that could have fit	Limited numbers of such applications and may be difficult to appropriately condition to adequately protect open space/amenity whilst also allowing

		into this would be application 23/00015/B demolition of the existing clubhouse and erection of a log cabin to be used as a clubhouse for the Flat Green Bowling Club.	required use. Some proposals have been for temporary structures only acceptable as justified and time limited.
12B - Play Areas	2	<u>Playgrounds:</u> DEFA should be included in the list of authorities under this PD Order, alongside DESC (Department of Education, Sport and Culture) and Local Authorities (LAs), allowing it to operate under Class 12B. This class relates to minor developments such as playgrounds, ensuring that DEFA can manage and develop these spaces without requiring planning permission, provided they meet the prescribed criteria. This would streamline the process for DEFA to install and manage playgrounds on its land.	Agreed – amend to reflect suggestion.
12B - Play Areas	2	Town and Country Planning (permitted development) Order 2012 the proposed new class 12B for the inclusion of play equipment could also include external exercise equipment.	Agreed – amend to reflect suggestion.
Part 2 - Operations within the curtilage of a dwelling house			
13 - Greenhouses and polytunnels	3	The criteria for Class 14 are more precise in identifying the area within the curtilage that the extension can be built and so Class 13 criteria should be checked against this.	The conditions in relation to positioning and offsetting have been reviewed to ensure they are consistent where appropriate. Also allow for "1 or more" greenhouses/polytunnels with ground area to be measured cumulatively, which is consistent with other provisions.
14 – Extension	1	Building extension should always require planning permission to protect neighbours privacy.	Noted. However, the existing PD allows for extensions and the purpose of the review was to expand PD.
14 - Extension	1	Concerns in relation to impacts on older properties which are not registered and outside conservation areas: <ul style="list-style-type: none"> • Class 44 Replacement roofs only applies to post-1920 properties, this restriction should be applied to other classes. • Side extensions should not be permitted (and certainly not on pre-1920 buildings) – they are contrary to Planning Circular 3/91 and Housing Policy 14, and impact on the value of traditional/vernacular buildings within the streetscape, including outside Conservation Areas. • Proposals should be considered post-Strategic Plan update. Concerns that compared to other jurisdictions IOM does not have fully researched/established Conservation Areas, 	Side extensions are currently Permitted Development so this is not a new proposal, although porches and dormers are. Comments in relation to protections noted – see response to comments in response to general comments on heritage policy. In terms of 1920s buildings it is noted that: <ul style="list-style-type: none"> • Circular 3/91 "Guide to the Design of Residential Development in the Countryside" states Policy 1 states, "The removal or replacement of traditional elements including materials, windows or external works will generally not be acceptable. Work to buildings which date before 1920 should as far as practicable retain the original materials and form of the building"

		<p>Registered Buildings and Design Guidance so what they do in terms of PD is not relevant.</p>	<ul style="list-style-type: none"> • Circular 1/98 "The Alteration and Replacement of Windows" indicates that for Buildings in Conservation Areas replacement windows visible from a public thoroughfare must have the same method of opening, pattern and section of glazing bars and the same frame sections as the original windows (it does not control material). It also contains policy in relation to buildings built before 1921, although there is slightly less emphasis on the method of opening with the focus being on the pattern and section of glazing bars and frame sections. • Policy and Guidance Notes for the Conservation of the Historic Environment of the Isle of Man Planning Policy Statement 1/01 in relation to registration states, "Buildings built between 1800 and 1860, may be worthy, although some selection will be necessary. For the period 1860 to 1920, because of the greater numbers which survive, assessment and selection is necessary to identify the best examples. For the same reasons, only selected buildings for the period after 1920 would be Registered: buildings which are less than thirty years old would normally only be listed, if they are of outstanding quality" • The Strategic Plan (2016) states, "Environment Policy 34: In the maintenance, alteration or extension of pre-1920 buildings, the use of traditional materials will be preferred". • DEFA (2018) Operational Policy on the Principles of Selection for the Registration of Buildings in to the Protected Buildings Register states in relation to age and rarity, "...after 1860 , because of the greatly increased number of buildings erected and the much larger numbers that have survived, progressively selection is necessary; particularly careful selection is required for buildings from the period after 1945..." <p>Therefore the application of the pre-1920 limitation to dormers and (in some cases) porches in some cases is considered appropriate. The provisions for extensions, porches and dormers have been fully reviewed in light of these and other consultation comments.</p>
14 - Extension	3	<p>General Comments:</p> <ul style="list-style-type: none"> • Be consistent with "Extensions" instead of "Enlargements." • Conditions are hard to follow. • Why limit enlargements to 35m² 	<p>The comments in relation to Class 14 are very helpful and a full review of this has been undertaken to ensure it strikes a balance between unnecessary restrictions whilst also having sufficient safeguards to protect residential amenity and the wider streetscene etc.</p>

	<ul style="list-style-type: none"> • Applying house extension rules can create awkward shapes, especially with sloping sites. • Potential for L-shaped extensions which can create issues, may be better for PD extensions to stay within the planes of the original end facades of the house. <p>Condition (c) the height of the enlarged part of the dwellinghouse may not exceed the lesser of — (i) either — (A) 4 metres above ground level in the case of a dual pitched roof; or (B) 3 metres above ground level in any other case; or (ii) the height of the highest part of the roof of the existing dwellinghouse;</p> <p>CIOM suggested the 4m limit be replaced with 4 requirements:</p> <ul style="list-style-type: none"> • pitch should be no greater than that of the original dwelling; • allow for flat, dual and mono pitched side extensions; • limit PD extensions to single storey; and • max. eaves height of 3m for flat roofed extension and 3.5m where flat roofed with parapet. <p>Condition (h) any enlargement must not result in any of the following to the existing dwellinghouse, unless permitted under another class — (i) an alteration to any part of the roof of the enlargement...</p> <p>Comment: Clarify "an alteration to any part of the roof of the existing house."</p> <p>Condition (h)(v) "...the installation, alteration or replacement of a microwave antenna"</p> <p>Comment: Question about the need for specifically mentioning microwave antennas.</p>	<p>In developing this it is noted that in other jurisdictions, the alterations allowed within places such as National Parks and the Broads are much less than elsewhere. The IOM does not have these designations but is an island-wide biosphere with attractive settlements and countryside. The approach to some of the issues is therefore positioned somewhere between that would be applied within a National Park and that which would be applied outside. For example, unlike in English National Parks, it is proposed to continue to allow side extensions (and dormers – see below) but with appropriate conditions which draw on other approaches (for example Welsh PD restricts any extensions above ground floor, limits the width of side extensions to 3m and requires them to be set back 1m).</p> <p>As noted in commentary on Class 17, it would be more appropriate to allow for provision of attached garages as an extension under Class 14, with Class 17 dealing with detached structure. That being said, garages currently have a requirement for their roof pitch to match the main house which extensions (at 15m²) don't have. It is noted that England and Wales do not control roof pitch on single storey extensions (but there are other controls/limits to minimise visual impact).</p> <p>The expansion of area from 15m² to 35m² is a meaningful increase, balanced by other safeguards and appropriate within the local context. Provision for 2 storey extensions could be considered in future orders (potentially subject to prior approval) informed by further public consultation.</p> <p>On balance it is proposed to revise the wording including</p> <ul style="list-style-type: none"> • clarifying that works can include attached garages/carports; • replacing the % width limitation for side extensions with a specific number and requiring a small set back; • preventing rear extensions which are wider than the dwellinghouse; • adjusting the way maximum heights are set (still with a maximum of 4m) to give more flexibility; and
14 - Extension	3 Remove floorspace restriction, retain 1.5 times original dwelling house ground cover. Mirror England. Some provision for 2 storey should be made.	

			<ul style="list-style-type: none"> • an extra safeguard within 2 metres of boundary (to ensure this flexibility and revision to ground level measurement does have an unacceptable impact on residential amenity).
14 - Extension	3	As above for all considerations regarding extensions, demolition, windows, doors, porches, dormers and roof replacements within or outside of Conservation Areas, a limitation that the buildings or structure must post date 1920 for PD to apply	<ul style="list-style-type: none"> • The details of documents including Circular 3/91 "Guide to the Design of Residential Development in the Countryside", Circular 1/98 "The Alteration and Replacement of Windows" and Policy and Guidance Notes for the Conservation of the Historic Environment of the Isle of Man Planning Policy Statement 1/01, Strategic Plan (2016) "Environment Policy 34 (traditional materials) and the DEFA (2018) Operational Policy on the Principles of Selection for the Registration of Buildings in to the Protected Buildings Register are noted. • It is also noted that the existing PD provisions allow for a number of alterations, that the overall purpose of the review was to expand PD and that some new types of works are being made PD. • Therefore on balance consideration will be given to the application of the pre-1920 limitation to other classes but is not considered appropriate/necessary in relation to this class.
14B - Porches	1	<p>Concerns in relation to porches:</p> <ul style="list-style-type: none"> • The installation of large porches or dormers on traditional and vernacular houses is contrary to Planning Circular 3/91. Traditional porches are rarely more than 1.5 x 1.5 i.e. 2.25sq m maximum). • Concern on impact on streetscene. 	<p>See comments on Class 14 generally and also in terms of heritage.</p> <p>It is noted that the English PD provides for: <i>"The erection or construction of a porch outside any external door of a dwellinghouse</i> ... <i>(b)the ground area (measured externally) of the structure would exceed 3 square metres;</i> <i>(c)any part of the structure would be more than 3 metres above ground level;</i> <i>(d)any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway</i> ..."</p>
14B - Porches	3	Condition (e) the dwellinghouse must not have more than 1 porch; Comment: Why limit to one porch if not on the same elevation? Combining a porch with other extensions could create awkward appearances.	<p>It is therefore proposed to align with this in relation to height and porches being in front of external doors (removing the need to limit the number). It is proposed to restrict porches on pre-1920 properties.</p>

14C - Roof Extensions (Dormers)	1	<p>Dormers should not be PDs, concerns include:</p> <ul style="list-style-type: none"> • Impact on streetscene • Consultation document acknowledges that for both porches and dormers, where poorly executed (both design and building works), such works can undermine the quality of both individual properties and the streetscene - but porches more likely to be replaced whilst dormers more permanent. • Where dormer poorly executed execution may affect the integrity of the roof and/or insulation. May also imply living space use of previously unused roof areas, which may raise other issues re stair access etc. • More data is required on recent applications/approval rates • Dormers are not traditional features front or back. A limitation of only on post 1920 buildings should be applied. 	<p>It is noted that the English PD restricts alterations to roofs in various ways, and, perhaps most significantly, does not allow for Dormer extensions on article 2(3) land (which includes National Parks). As per the comments in relation to Class 14, a balanced approach is proposed for IOM. As part of this the concerns in relation to streetscene and heritage are noted.</p> <p>Conditions have been proposed to reduce impact in terms of residential amenity and streetscene:</p> <ul style="list-style-type: none"> • Allowing them at rear elevation only (not at side); • Distance to edges of roof 0.5m (not 0.3m); • Controlling roof type (pitched roof or match existing dormer); • Specific maximum width, and distance between dormers; • Colours to match; and • Restriction on porches for pre-1920 houses.
14C - Roof Extensions (Dormers)	3	<p>General comment - Dormers could become all flat roofed, altering the dwelling's appearance significantly.</p> <p>Condition (e) the addition or alteration must not result in more than 50% of any roof plane of the existing dwellinghouse being covered by dormers; Comment: Why allow 50%? It may be too much.</p> <p>Condition (d) the distance from the part of the roof added to or altered must be at least 0.3 metres from the roof ridge, eaves, verge or party wall of the existing dwellinghouse; Comment: Roof dormer being 0.3m from property boundary/edge of property too close. Amend to 0.5m</p>	<p>Concerns in relation to roof integrity/thermal efficiency/internal alterations such as stairs are not material planning considerations.</p>
14A - Domestic electric vehicle charging points	3	<p>Condition (a) for wall-mounted installations ... (ii) if within 2 metres of a highway, the charging unit must not be mounted on a wall that faces onto that highway. Comment: What if there is no alternative location for installation? There is the potential for planning guidance to contradict recommended installation guidance. Given example that charging points are no different to e.g. Garden hose, charging points should not constitute development.</p>	<p>Noted that the Climate Change Transformation Team and Manx Utilities have raised no concerns about this (And it is provided for in English PD). If something does not materially affect the external appearance of a building and so is not development then its inclusion within PD does not change this, but inclusion in PD means that where it is development it is PD. Where proposals cannot meet these restrictions it does not preclude an application to that the proposals can be considered on a case-by-case basis.</p>

	<p>Condition (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 vehicles...</p> <p>Comment: 1.6m is average eye level—Is this sufficient?</p> <p>Conditions 14A(2)(b)(i)-(iv) Comment is made questioning the relevance of these.</p> <p>Suggestion is made that all detailed requirements should be removed given rapid changes in the technology (and chargers should not be considered development - as they are no larger than a wall mounted hose reel, electricity metre box etc. and such items are not considered development without needing to be explicitly excluded from development in legislation)</p>	
<p>15 - sheds, summer-houses and pergolas</p>	<p>3</p> <p>A number of comments were made in relation to this indicating:</p> <ul style="list-style-type: none"> - The size allowable should align with the UK - The size of sheds etc. should be linked to the size of the property and land belonging to it so increased - It should be clarified what use is permitted (i.e. gym, home office, additional lounge space, bar, television room. We understand that for sleeping purposes this would not be permitted development) <p>Interpretation of UK legislation provided is:</p> <p><i>In general, the internal floor area can be unlimited provided that together with all the other outbuildings and extensions the total area does exceed 50% of the site coverage (the total area of land around the original house)</i> <i>only single-storey outbuildings allowed under Permitted Development Right</i> <i>if the outbuilding is further than 2m from any boundary the allowed eaves height is 2.5m and total height 4m with a dual pitched roof, otherwise 3m.</i></p>	<p>It is noted that the English PD has additional restrictions (cannot be forward of principal elevation) and in sensitive areas additional safeguards (cannot be on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse and if more than 20m from house limited to 10m in size). In Scotland the size is reduced to 4sqm in Conservation Areas.</p> <p>The current PD allows for 15sqm sheds with relatively few restrictions. This allows for relatively larger 'traditional' sheds (for storage of equipment/bikes etc.). The potential for more solidly built and larger structures to allow sustained use for a variety of incidental activities has the potential to have a greater/different impact on amenity and so needs careful consideration.</p> <p>It is also noted that English PD does not provide specifically for sheds, but for outbuildings generally where as the IOM provides for sheds under this class but also greenhouses/polytunnels (Class 13) and detached garages and car-ports (Class 17) in addition to this class, giving homeowners a range of options.</p>

		<p><i>if the outbuilding is within 2m from any boundary the over height cannot exceed 2.5m</i></p> <p><i>Overall permitted height of patios and decking is 30cm.</i></p> <p><i>It is a single storey building,</i></p> <p><i>floor area does not exceed 30sq.m and it is constructed of non-combustible materials or is located not less than 1m away from any boundary</i></p> <p><i>The proposed structure must be detached and ancillary to a house and not to a flat, maisonettes, or other buildings.</i></p> <p><i>Only non-self-contained, non-habitable/ non-habitable use is allowed, meaning the sleeping accommodation (a bed) is not allowed, but sofa and armchairs, standard lounging furniture, is of course, permitted.</i></p> <p><i>They can also contain a W.C although in the past we have come across many ambiguities regarding a shower and cooking facility in an outhouse.</i></p> <p><i>The rule of thumb is that in case of a home office or a gym, provision of washing facility and a small cooker if justified can be found lawful.</i></p>	<p>It is also noted that only 4 respondents referenced sheds, this was not included in the public consultation version and may be an area where public input would be helpful. Development Management experience indicates that sheds can often result in comments/enforcement complaints from neighbours and so is an area of development that does need to be carefully considered.</p> <p>Therefore on balance it is considered that provision for garden rooms could be considered in future orders (potentially subject to prior approval) informed by further public consultation. As part of this consideration could be given to whether or not this class is combined with greenhouses and garages (other jurisdictions have one class for outbuildings, whereas Manx PD provides separately for each – in some cases potentially allowing for more development within a curtilage).</p>
16 - Fences, walls and gates	3	<p>Various comments indicating:</p> <ul style="list-style-type: none"> Fencing a private property should not require a planning application, especially if only slightly higher than existing (editing note - comment assumed to mean should be no restrictions on PD for fences for dwellinghouses) Should allow for 2.4m high at sides and rear, front/roadside allow <1.8m hedges 	<p>PD allows for 2 metres at side/rear and 1 metre facing highway (or same height as existing if a replacement). This aligns with other jurisdictions. The 1 m height relates to vehicle height and visibility from a driving position. The proposals have added flexibility to the current situation by allowing for existing fences that are over 2m (or 1m adjacent to highways) and have had planning approval to be replaced with fences of the same height.</p>
17 - Private garages and car ports	2	<p>Rebuilding of existing garage with exact dimensions of old garage but to make gym/utility. Maybe covered under new amendments but not clear.</p>	<p>Provision is made for the replacement of an existing outbuilding. Use of an outbuilding within the curtilage of a dwelling house for purposes incidental to the enjoyment of the dwellinghouse as such is not development (assuming it is not contrary to any specific planning conditions).</p>
17 - Private garages and car ports	3	<p>Allow bigger garages and car ports</p>	<p>The proposals increase the size of garages allowed from 6 x 6 metres to 6.8 x 6.8 metres.</p>
20 - Erection of Flag Pole	2	<p>Flag poles shouldn't need planning applications.</p>	<p>Provision already exists for flags within the gardens of dwellinghouses (Class 20 Erection of a flagpole)</p>

21 - Construction of decking and patios	3	As above for all considerations regarding extensions, demolition, windows, doors, porches, dormers and roof replacements within or outside of Conservation Areas, a limitation that the buildings or structure must post date 1920 for PD to apply	It is agreed that in some circumstances this may be appropriate, but for decking and patios it is not considered this is a reasonable or necessary limitation to include in the order.
21 - Construction of decking and patios	3	<p>A number of comments are raised in relation to:</p> <ul style="list-style-type: none"> • concerns on height allowed (reference to an example on a hill) – implications for highways • visibility being compromised • suggestion there should be no restriction on size as long as no trees/hedges removed, fencing retained and height <0.5 metre from ground level • stressing that ground level needs to be very clear (should reference Damp Proof Course) – notes the UK Build Hub Web Site, suggests decking height should be measured from the lowest point of the ground (even on a sloping plot) to the top of the timber or composite material. • Suggests increased from 0.5m to 0.6 m to be consistent with Building Regulations 	<ul style="list-style-type: none"> • Noted – it is important to strike a balance, the proposed height restriction is higher than existing (informed by industry feedback) but also changes to measurement of ground level on sloping sites means more protection on sloping sites. No objection from DOI Highways. • It is difficult to control the removal of trees/hedges from a planning perspective in the long term, meaning over time privacy issues may result if no controls. • The way ground levels is measured in relation to decking is proposed to change to protect residential amenity on sloping sites. • It is noted that England allows 0.3m high (but measures slope differently) and 50% coverage, Scotland allows 0.5 m (with allowance for attached structures) and excludes from 50% coverage. • Proposed to retain 0.5m height and measurement of ground level from lowest point, but to reduce height of screens etc. to 2.3m (from 2.5 in consultation, which is still higher than the 2m currently allowed). Reference to Patios is to be removed (as covered by Definitions of Development Order).
21A - Chimney, flue, vent or soil and vent pipe	1	<p>Concerns raised include:</p> <ul style="list-style-type: none"> • Negative Impact on street scene; • Chimney needs defining – the stack or just the pot? Chimney stack is partial demolition and planning approval should be required, the alteration of pots to just small ventilation pots can be detrimental to the street scene. 	<p>The comments are noted (including in relation to Q1 raising concern about works to chimneys and impact on streetscene).</p> <p>Removal and replacement of a chimney is included in the separate Draft Definition of Development Order to be excluded from development (as long as the same), although it is also possible some minor alterations to chimneys be <i>de minimis</i> (depending on scale of works, if publically viewable etc.).</p>
21A - Chimney, flue, vent or soil and vent pipe	2	<p>The wording should allow for the removal (and not replacement) of a chimney. Points raised in relation to:</p> <ul style="list-style-type: none"> • Damp/thermal performance/maintenance issues • Chimneys not being required as heating types change 	<p>It is noted there has been some debate about whether the English PD (Part A, Class G) allows for removal and also that additional restrictions apply for any works within article 2(3) land – "<i>The removal, alteration or replacement</i></p>

		<ul style="list-style-type: none"> Some comment that removal should only be permitted outside Conservation Areas Reference to it being allowed in the UK 	<p><i>of X not allowed for above subject to the extra condition that replicates (and applies everywhere) the English condition that, "(c)in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which— (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the dwellinghouse"</i></p>
21A - Chimney, flue, vent or soil and vent pipe	2	Flues should be PD where no taller than existing chimney or full height of house and not front/side facing a highway. Building Control to deal with safety.	<p>It is therefore proposed to amend the PD to add the word "removal" and an extra condition that works to remove or alter a chimney are not permitted if installed on a wall or roof slope which forms part of the principal or side elevation.</p>
22 - Solar panels (Stand Alone)	1	Size of standalone panels needs to be prescribed; does this mean two individual panels or an array of panels.	<p>In relation to the height restriction, it is important to consider all of the conditions/limitations applied and how they work together. It is also interesting to note that different jurisdictions have different approaches to this and that the Manx PD is actually more permissive in the case of smaller gardens (as allows placement within 5m or curtilage). Work is ongoing (including MU/DEFA) to develop the IOM's energy policy context and identify the most appropriate overall approach to ensure security of supply, equity of cost and reduction in carbon emissions DEFA and MU. It is therefore considered that overall the approach to micro-renewables should remain broadly as-is with the potential for future changes to be made informed by the final policy direction.</p> <p>However, it is agreed that specifying a size rather than number of panels is more appropriate and it is therefore proposed to replace the condition restricting to 2 panels to state one installation and the panels making up that installation must have an area of no more than 9m².</p>
22 - Stand-Alone Solar Panels	2	Allow for more ground mounted Solar Panel installations including outside of residential curtilages	
22 - Solar Panels (Stand alone)	3	<p>A number of comments are raised in relation to:</p> <ul style="list-style-type: none"> should control the size of the installation not number of panels, given different properties have different needs and different panels are different sizes limiting to 2 stand alone panels doesn't promote the green agenda site coverage (e.g. 50% of site) more appropriate than limiting number especially in a large curtilage <p>why restrict placement near trees or highways</p>	
23 - Heat Pumps	3	<p>Condition (a) no more than 2 pumps may be installed on the property;</p> <p>Comment: Why limit to 2 pumps?</p>	<p>It is note that the English PD restricts it to 1. The flexibility to allow for 2 is proposed in response to comments from Manx Utilities drawing on their experience of trials.</p>
23A - Air Source Heat Pumps	2	<p><u>Blocks of flats</u> - The draft Order does not include blocks of flats in its description of Permitted Development for any class. We acknowledge that cumulative noise issues may be of particular concern in relation to blocks of flats; however, we note that a noise study report has recently been conducted for the UK Government by Nesta states that "The</p>	<p>Our current PD focuses on PD for dwellinghouses so this is a wider approach not just about ASHP. However the changes will introduce some additional flexibility for the installation of ASHP - allows for installation within 1m of boundary if not with a residential use, closer to windows of non-habitable room and for installation of two (not one) pump per property.</p>

		<p>cumulative noise impact of multiple ASHP installations in a high-density neighbourhood would not typically be distinguishable from that of a nearby single air source heat pump installed within MCS guidelines.” (Source 4). Therefore, unless there is Isle of Man specific evidence to the contrary, we would support the widening of Permitted Development for ASHPs to include blocks of flats.</p>	<p>Flats (in particular for things like ASHP raise more issues and was not included in the consultation details).</p>
23A - Air source heat pumps	3	<p>Class 23A - ASHPs</p> <ul style="list-style-type: none"> • Allow for replacing existing ASHP as long as same footprint/noise output • Can a kitchen be a non-habitable room (given other noises) • Can ASHP be in a Conservation Area (subject to other conditions) • Could the sound output be increased? • Why limited to 2 pumps? • Should be regular review of restrictions around noise levels/distance to align with latest evidence <p>- Permitted Development provisions in England in relation to heat pumps, ASHPs and wind turbines make reference to MCS Guidelines, while the IOM provisions do not. We appreciate that direct reference to the MCS Guidelines may not be appropriate in Manx Permitted Development legislation but would encourage the implementation of minimum accreditation and/or installation standards in relation to low carbon technologies. The absence of such standards could undermine the quality of installations, reduce efficacy of the technology and lead to negative customer experiences and reduced uptake.</p>	<ul style="list-style-type: none"> • Because a planning approval is ‘spent’ when it is implemented, the replacement of an ASHP which has planning approval would require a fresh application (unless the would meet the PD conditions). If an ASHP has planning approval with condition then those conditions would cease to apply it is replaced. Therefore consideration could be given to a similar approach to ASHP as is provided for under Class 29 (rebuilding) however because where an ASHP has planning approval it normally has conditions attached such an approach us unlikely to be relevant in most cases. • A kitchen with no table/seating would not be a habitable room but a combined kitchen/diner is habitable. Given PD is legislation and so needs to be as clear as possible not considered this differentiation is appropriate (but would be taken into account in the case of a planning application). • Proposals for Conservation Areas do include allowing for ASHP. • Current sound limit (42dB) aligns with UK practice • It is considered that numerous ASHP could be detrimental to amenity and may benefit from approval via an application (noting English PD restricts it to 1 ASHP per building/curtilage and so the Manx PD is more generous in that regard). • Targeted reviews of PD can and are undertake (ASHP PD provisions introduced in 2020 and now being reviewed in 2024). • MCS is not fully directly applicable to IOM, standards in PD developed to apply MCS in local context. No vires within PD to allow for conditions to be changed outside of a review of the PD.
24 - Installation of replacement	1	<p>What happens when the principal elevation / front elevation does not face a road or form a side elevation. This could result in the substantial change to traditional and vernacular buildings many of which do not face a road. Again there should be a post 1920 limitation date. PD</p>	<p>Noted. However, the existing PD allows for extensions and the purpose of the review was to expand PD. The existing policy framework allows for uPVC replacements in Conservation Areas/older buildings (stressing instead glazing pattern and method of opening).</p>

windows and doors		replacement with uPVC in both doors and windows in pre 1920s buildings should be omitted. It is ruining the Manx built environment.	
24 - Installation of replacement windows and doors	2	Bricking up doorways not on front elevation, provided equivalent/alternative access provided.	Proposal would essentially allow the moving of doorways. Often the location of doorways and windows is carefully thought out to ensure privacy/amenity of neighbouring properties is not impacted on. Hence proposals focuses on replacements with existing openings and only alterations to existing openings in rear elevation (classes 24 and 25).
24 -Installation of replacement windows and doors	3	<p>Various comments received, some suggesting more and some less flexibility -</p> <ul style="list-style-type: none"> enlargement of apertures for windows and doors and the replacement of a door with a window on a private dwelling outside a Conservation Area should be allowed for Suggestion that buildings older than a given date should not have PD for replacement doors/windows (1920 suggested to align with draft replacement roofs PD, 1914 also suggested as states there wasn't any building works carried out during the time of the Great War) 	Class 24 allows for replacement of windows and doors within existing aperture and as amended allows for the alteration of size etc. if ground floor and not a side elevation or facing a highway. Class 25 allows for installation of patio doors if ground floor and not a side elevation or facing a highway.
28 - Roof-Lights	3	<p>Condition (a) no more than 3 roof-lights are permitted on any roof slope of the dwellinghouse; (b) no roof-light may exceed 1 square metre in size.</p> <p>Comment: Why limit size? Larger roof-lights should be considered. 1. Group agreed 1m2 seems too low, 3m2 per panel and/or max. 50% of roof area would be more appropriate</p>	<ul style="list-style-type: none"> Class 28 Roof-lights as consulted on provides for, "(1) The installation of a roof-light in the roof of a dwellinghouse or garage. This is subject to the conditions in paragraph (2). (2) Those conditions are — (a) no more than 3 roof-lights are permitted on any roof slope of the dwellinghouse; (b) no roof-light may exceed 1 square metre in size". An extra condition is proposed in Conservation Areas that they must be on the rear elevation. It is noted that in the UK roof-lights are permitted development subject to conditions limiting them to being no more than 0.15m above the roof plane, and any window located on a roof slope forming a side elevation of the dwellinghouse must be (a) obscure-glazed; and (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. It is also noted that Wales does not permit roof light on 'Article 1(5) land' – National Park, an area of outstanding natural beauty and conservation areas.

			<ul style="list-style-type: none"> • Whilst some relaxation of current rules may be justified, given the local context a degree of caution is still required. • It is therefore proposed that the restrictions in terms of 0.15m protrusion and obscure glazing/opening height be applied in all cases, together with a general restriction that no more than 50% of a roof plane can be glazed (if at the side/rear) and the retention of the existing size/number restrictions at the front or a side fronting a road. The existing restrictions in terms of number/size to only be applied to the principal elevation or a side elevation that fronts a road.
28A -Repair, alteration or replacement and 29 - Rebuilding	3	Consideration should be given to having an additional condition limiting what types of buildings can be demolished. This matter should be considered alongside the ongoing DEFA Public Consultation on the Definition of Development Order in relation to the demolition of smaller buildings and the implications for bats.	It is acknowledged that the demolition of buildings can have implications for bats. However something being PD does not remove the need to comply with other legislation, including the Wildlife Act. The comments in relation to the DDO are separate and a matter for DEFA rather than CABO.
Part 4 - Miscellaneous Development			
36 -Demolition of part of a building	1	<p>Concerns raised:</p> <ul style="list-style-type: none"> • Should not apply to residential properties / farmhouses. • Without any size control, and possibly even with it, this is extremely dangerous and could result in loss of important architecture of a building e.g. the original house to which a new house has been attached. • This is a frequent occurrence in Manx rural architecture in particular where an older farmhouse e.g. 18th or early 19th century has had a large mid or late Victorian extension added to it. PD should not enable the loss of the earlier structure. • The same could apply to former industrial buildings such as mills where important parts of the architecture e.g. corn drying kilns and farm buildings which are often linked together could be lost. They are an integral part of the character of the building / steading as a whole. • A pre-1920 limitation date should be applied. • Unclear how this relates to separate proposals to amend the act to bring all demolitions under planning control – that work should be completed first. 	<p>This is an existing form of Permitted Development outside of Conservation Areas. The proposal is to retain this and add a condition about making good any works with matching materials (and of course there is now a standard condition that means that PD does not apply to a Registered Building or its curtilage).</p> <p>Currently the partial demolition of a building or the demolition of an attached building requires approval, the changes will mean that all demolitions are development unless excluded in the Definitions of Development Order.</p> <p>The draft DDO proposes that the full demolition of free standing buildings under 50 cubic metres would be excluded from development, so does not change what would be relevant for this PD class.</p>

36 - Demolition of part of building	3	As above for all considerations regarding extensions, demolition, windows, doors, porches, dormers and roof replacements within or outside of Conservation Areas, a limitation that the buildings or structure must post date 1920 for PD to apply	
38 - Installation of replacement windows and doors	3	A limitation that the buildings or structure must post date 1920 for PD to apply	This is an existing form of Permitted Development outside of Conservation Areas and the purpose of the review was to expand PD.
39 -Fences Walls or Gates outside a curtilage	1	PD for new 2m high walls set back from the highway in rural areas should be an anathema. They introduce alien elements into the countryside contrary to landscape policy and guidance on landscape character. New gates in highway terms have to be set back at least 6m from the edge of the highway and whatever the size of the wall / fence, this should be referred to.	This is current PD, although the conditions have been reviewed.
39 -Fences, walls and gates outside a curtilage	3	Condition (g) in the case that the main building within the curtilage falls within Part 3 of the Uses Class Order, 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 Comment: What about railings?	Railings are in effect a metal fence, so are provided for under this class.
40 -Forestry development	1	(1) Is forestry defined anywhere? Does this include woodland? In any event this is sanctioning the bull dozing of tracks all over the countryside whether on public or private land often in areas of or formerly of High Landscape Value and Scenic Significance. Such tracks are then frequently used for other amenity, off road vehicle, scramble / mountain bike, purposes / courses. By virtue of their location they become highly visible and spoil the landscape and amenity for walkers in particular. These tracks need to be brought under planning control, not PD.	It is noted that: <ul style="list-style-type: none"> • The Act states, "the use by the Department of any land for the purpose of forestry (including afforestation) and the use for that purpose of any building occupied together with land so used". Forestry is not referenced in the 2019 Use Classes Order. • The Change of Use Order (existing) allows for afforestation unless, "...the area of the land, together with any adjoining land being afforested at or about the same time, exceeds 0.5ha" (no change is proposed to this part). • The operational PD has a general condition that prevents work (including any foundations) that involves the felling, lopping or limbing of any tree (other than a tree referred to in section 3(3) of the Tree Preservation Act 1993). • Class 40 currently allows, "The carrying out on land used for the purpose of forestry of development reasonably necessary for that

			<p>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. This is subject to the condition in paragraph (2). (2) The condition is that development within this Class may not be carried out within 25 metres of a highway”</p> <p>In discussion with the DM team it is noted that there are occasional queries about private ways, queries on what it can be made from (i.e. just stone or full tarmac) and if it can be a mixed track for use by Manx Utilities as well as forestry purposes. There have also been queries around tracks for leisure purposes, but see separate comments on Class 12. But there are limited examples and does not appear to be a problematic area currently.</p> <p>Therefore on balance, noting lack of concerns and that the comment talks about tracks for multiple use (which PD does not provide for) it is not considered that amendments to this class are required.</p>
40 -Forestry development	1	I do not think there should be permitted development for new plantations or their extensions or re planting.	Planting of over 0.5 hectare requires planning approval (unless DEFA) and this is not proposed to change.
42 - Solar Panels (Roof Mounted)	2	I see no mention of roof mounted or gable end solar panels. If roof-lights are considered PD surely roof mounted solar panels need to be too. In working towards net Zero these need to be encouraged.	Provisions is made for roof and stand-alone solar panels. Limited experience on-island for wall mounted so insufficient evidence to justify PD presently.
42 - Solar Panels (Roof mounted)	3	<p>Condition (c) must not be situated on a horizontal roof; Comment: Why can't solar panels be mounted onto flat roofs? Omit (2)d. Flat roofs could be suitable if the height is controlled – amend to max. +600mm on flat roofs to allow panels to be installed at an angle</p> <p>Condition (d) may only be situated on a building — (i) of a Class specified in the Schedule to the Use Classes Order; or (ii) used for a purpose listed in article 5(2)(a) to (q) of the Use Classes Order Comment: Use Classes - agriculture and private garage should be included so that solar panels may be installed without pp</p>	<p>Class 42 of the Manx PD applies to all buildings, not just residential. The English Provisions are not fully explained in the response, which also appears to relate to the English provisions for buildings that are not domestic premises.</p> <p>The English General Permitted Development Order Part 14 Renewable energy Class A provides for the installation or alteration etc of solar equipment on domestic premises subject to conditions, which include that on flat roofs must be no more than 0.6 metres high and is subject to a prior approval process to control its appearance if within a National Park etc. Class J is installation or alteration etc of solar equipment on non-domestic premises. This allows for, amongst other things, installations</p>

			<p>of up to 1m on a flat roof but also that it cannot be within 1 metre of the external edge of that roof).</p> <p>It is noted that there are currently no vires within IOM for prior approval. Work is ongoing (including MU/DEFA) to develop the IOM's energy policy context and identify the most appropriate overall approach to ensure security of supply, equity of cost and reduction in carbon emissions DEFA and MU. It is therefore considered that overall the approach to micro-renewables should remain broadly as-is with the potential for future changes to be made informed by the final policy direction.</p> <p>It is however agreed that the restriction in terms of siting on buildings without a use class is unnecessary and could be reconsidered.</p>
Environmental Works	2	General allowance for any land owner to dig ponds/holes	<p>The suggestions are too broad to allow detailed analysis. Works could take place in sensitive areas (in terms of ecology, landscape, archaeology), may create drainage issues or could result in the loss of higher quality agricultural land. Without appropriate safeguards there is the potential for misuse/creation of loopholes for wider works.</p> <p>There have been a limited number of applications for such proposals and so there is limited evidence to draw on.</p>
		General suggestion that there should be more classes of permitted development to protect the environment or allow creation of biodiversity features.	
Swim ponds	2	Swim ponds. These are a natural pond used for bathing or swimming and environmentally friendly so pose no risk to the environment or pollution of the water course.	In planning terms the issues would be similar to a pond (see separate comments). It is also noted that there have not been regular applications for these and so they could not be considered routine.
44 - Replacement Roofs	1	Replacement roofs should not be allowed on pre-1920 buildings	Noted - This condition is already proposed.
44 - Replacement Roofs	2	Changing flat roof to a pitched roof with windows providing matches rest of house.	Proposal appears to be for the installation of a roof with a room(s) on top of a flat roof. Sometimes flat roofs have been used to avoid impact on neighbouring properties, installation of rooms and windows above garages may create issues of overlooking.
44 - Replacement Roofs	3	Support the restriction on pre-1920 buildings	Noted

Other Suggestions for Schedule 1			
Barn Conversions	2	<p>Outside of the straight forward Common Sense PD amendments, this appears to be a golden opportunity to bring in a Class Q permitted development for barn conversions. Successful legislation for Class Q exists in all other parts of Great Britain (including the Channel Islands). Since their adoption in 2014, they gone some way to secure the historic built environment of the countryside</p> <p>The Class Q regulations set out a host of qualifying criteria, conditions, limitations and exclusions. Other limitations include:</p> <ul style="list-style-type: none"> - The external dimensions of the new home(s) cannot extend beyond the footprint of the existing agricultural building that is being converted. - The building to be converted should have four walls and roof before conversion so that it can benefit from the building operations provided for in the regulations and be structurally sound so that it can support the weight that comes with conversion. - The curtilage of the converted dwelling is very restricted and must not be any more extensive than the curtilage definition set out in the Class Q regulations. - The planning authority's prior approval must be obtained before any development commences. <p>Streamlining the process will provide multiple benefits : below is a non exhaustive list.</p> <ul style="list-style-type: none"> - Additional trade in the built environment sector of the economy. - Securing historical buildings for future generations - Increase in future rate payments (following completion and inspection by Rating officer) bolstering Local authorities -Reduction in full planning applications, increase in planning fees. - Increase in Island Housing stock, on existing footprint - Does not require building on Green Belt / Brown belt land. - No Additional cost for upgrading utilities. 	<p>There are a number of classes within English Permitted Development that rely on prior approval. In effect the PD gives approval in principle and then there is a mechanism for a streamlines/targeted application for some points of detail. Changes have been proposed to the IOM Planning Act to allow for this and so future reviews of PD could consider such approaches, but the legal basis of the current review does not allow for it.</p>

Tholtans	2	Tholtans or previously developed rural sites to improve farm diversification	There are a number of classes within English Permitted Development that rely on prior approval. In effect the PD gives approval in principle and then there is a mechanism for a streamlines/targeted application for some points of detail. Changes have been proposed to the IOM Planning Act to allow for this and so future reviews of PD could consider such approaches, but the legal basis of the current review does not allow for it.
Rural Diversification	2	<p>Rural diversification and permitted development rights in an effort to boost the rural economy.</p> <p>The rights to allow agricultural land to be used for non-agricultural purposes for 56 days of the year as in UK.</p> <ul style="list-style-type: none"> • Conversion of agricultural buildings to a wider range of commercial uses such as farm shops, agricultural training and sports facilities. • Extension or erection of farm buildings. • Processing of raw goods produced on site and which are to be sold onsite • Conversion of agricultural buildings to residential homes for rural needs. 	<p>There are a number of classes within English Permitted Development that rely on prior approval (e.g. Part 3, Class Q Class Q — buildings on agricultural units and former agricultural buildings to dwellinghouses Class R – agricultural buildings to a flexible commercial use and Part 6 Class A - agricultural development on units of 5 hectares or more (erection/alteration of buildings).</p> <p>In effect the PD gives approval in principle and then there is a mechanism for a streamlines/targeted application for some points of detail. Changes have been proposed to the IOM Planning Act to allow for this and so future reviews of PD could consider such approaches, but the legal basis of the current review does not allow for it.</p>
Domestic Wind Turbines	2	Domestic Wind Turbines – with clearly defined specifications on what is classed as a permitted development in respect of size, location, proximity to boundaries, number, height, noise.	There have been four applications since 2020 for wind turbines, despite there being no planning fee for the submission of applications for domestic wind turbines. Permitted Development is intended to deal with routine applications. When ASHP were made PD this followed a number of applications which had been assessed and approved and that experience gave confidence that they could be made PD and also to what conditions would be appropriate. That experience/data does not exist for wind turbines and indeed the low numbers of applications indicates this is not a significant issue.
Painting	2	The position on painting should be clarified and allowed for without a planning application	This matter is being addressed in the separate Definition of Development Order.
Boreholes	2	<p>Comments received included -</p> <ul style="list-style-type: none"> • Including borehole installations under PD would help streamline the process while ensuring they meet stringent regulatory standards to prevent adverse environmental impacts. • The undertaking of Boreholes for general development, the provision of ground sourced heat pumps or for the provision of 	Whilst the borehole applications we have had so far have not raised concerns, the limited numbers of these and the lack of alternative regimes to control this does make me struggle to conclude that it should be made PD in general. However, boreholes specifically for ground source heat pumps are provided for in Class 23 (Heat Pumps).

		<p>national infrastructure at feasibility, design and implementation stages; subject to concurrence from the Manx Utilities Authority that such an undertaking does not represent an undue risk to natural water courses and potable water systems. Full utility searches would also be required.</p> <ul style="list-style-type: none"> • That plant and apparatus required for the secure operation of the Island's power system can be sited at Manx Utilities' primary substations on a temporary or semi-permanent basis during periods of power generation deficiency and for security of supply purposes. Operation of such plant and apparatus to be compliant with noise and emissions standards. 	Some of the points raised in the 2 nd /3 rd bullet in the representation summary column are outside the scope of the planning system
Campsites	2	Other Camp Sites for Events - Other camp sites should be included on the basis that they have applied once and been approved and there are no changes in anyway whatsoever to the previous approved application with a time limit of 5 years. All and any changes require a new planning application.	Essentially this would mean that if planning approval was sought for 5 years for a campsite and approved, it would be approved for 10 years. This could be confusing for everyone involved (including local residents) and if approval was desired for 10 years then this could be applied for and then assessed on that basis.
Various	2	In response to the PD Consultation in 2024 DEFA made a number of suggestions in relation to the DEFA estate/public land buildings, environmental works and other matters (such as Peel Food Park).	These suggestions are helpful and some may be appropriate as PD, however they were not included in the public consultation and some raise issues that need further consideration. Furthermore, some relate to matters for which there are a limited number of applications to date. They could therefore be considered for future PDOs (or for example a PDO relating specifically to plantations) when there is more experience (noting the more streamlined approach for determining DEFA applications which is being implemented).
Schedule 2 - Development within Conservation Areas			
Part 1 - Development Within Conservation Areas			
1 - Repairs to Services	3	Clarify if this includes repairs to power system apparatus?	Applies to, "any sewer, main, pipe, cable or other apparatus"
6 - Tramway Works	1	<p>Concerns about removal of tram tracks:</p> <ul style="list-style-type: none"> • Renewal acceptable but removal could be used as a way to get rid of Horse Tramway and MER track north of Laxey. The tracks are objects of national heritage and should not be removed • Railways should not be changed, the horse trams should be reinstalled to the sea terminal. 	See comments in relation to Class 7 (Tram works outside Conservation Areas).

		<ul style="list-style-type: none"> Tramway is a national asset that should not be compromised Concern that without any consultation could cross out the Horse trams returning to Loch Prom or close the MER north of Laxey Alterations to alignments - does this include addition of new tramway tracks eg linking horse tram track to MER or alterations to Tynwald approved proposed horse tramway completion to Sea Terminal. The reference to alterations to alignments should be omitted. 	
6 - Tramways in Conservation Areas	3	Concern on removal of tramway track – should only allow for renewal (i.e. remove and replace). 'Realignment' should not apply to extension / completion / alteration to any that have already have planning consent.	Retain wording from tramways as provided for in existing 2012 PDO, noting that DOI are progressing a Douglas Bay Tramway Amendment Bill which if necessary can contain provisions to amend the PD and can be consulted on/debated in Tynwald in full context.
Part 2 Extension of Classes to Conservation Areas			
General	3	Comment: Clarify that the Town and Country Planning (Permitted Development) Order 2012 does not apply in Cregneash.	Agree – add provision that restricts PD within the Meayll Peninsula and Calf of Man
14 - Extensions	1	Should not apply to buildings in Conservation Areas. Side extensions in particular would be even more destructive in terms of image of buildings. Even more so as several Conservation Areas cover rural areas so potential for adverse impact on pre 1920 detached buildings is enormous.	Proposals would only allow extensions at ground floor and rear.
24 and 38 - Windows and doors	1	PD replacement with uPVC in both doors and windows in pre 1920s buildings should be stopped. It has severely diluted the cultural image of the Island. We should be seen to support traditional, sustainable building products and building trades /crafts not just the PVC industry. Changing size and materials in windows and doors wherever in the house should have a post 1920 limitation as to age.	The existing policy framework allows for uPVC replacements in Conservation Areas/older buildings (stressing instead glazing pattern and method of opening). Setting out the position on issues is the role of Planning Policy not Permitted Development. Permitted Development is intended to deal with routine matters within the scope of existing policy. If a proposal complies with the policy then it would be reasonable for it to be PD even on pre-1914 buildings. However, the conditions will be reviewed to ensure they are appropriate (including in relation to horns).
24 and 38 - Windows and doors	3	<p>Various comments received, some suggesting more and some less flexibility -</p> <ul style="list-style-type: none"> Concern that respondent feels sliding sash windows are more expensive and less energy efficient than casement, so method of opening should not be controlled Suggestion that for street facing sides of properties within Conservation Areas or for Registered Buildings, there should be a requirement that replacement windows and doors be as 	

	<p>similar as possible to what was present originally and plastic materials should not be allowed</p> <ul style="list-style-type: none">• Window replacements should require an application for all pre-1914 buildings. (There, hence 1914 is suggested).• Greater clarification should be given of what 'like for like ' means (replacing sliding sash with casement windows with false horns is not like for like).	
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