



# **Built Environment Reform Programme**

## **Permitted Development Review**

**June 2024**

# **CONTENTS**

## **1. Introduction**

- What is the purpose of this consultation?
- Why are changes being made?
- How and when can I comment?
- What will happen next?

## **2. Background**

- Built Environment Reform Programme
- Scope of Review and Consultation
- Approach to Permitted Development Orders
- Review of the Definition of Development

## **3. Proposals**

- Proposal 1: Replacement of the Town and Country Planning (Permitted Development) Order 2012
- Proposal 2: Alterations to the Town and Country Planning (Change of Use) (Development) (No. 2) Order 2019
- Proposal 3: Alterations to Town and Country Planning (Permitted Development) (Temporary Use or Development) Order 2015

## **1.0 INTRODUCTION**

### **What is the purpose of this consultation?**

As part of the Built Environment Reform Programme (“BERP”), the Cabinet Office is proposing changes to some of the legislation that sets out what can be done without needing a planning application (Permitted Development Orders). This consultation seeks feedback on the draft legislation.

### **Why are changes being made?**

Between 2020 and 2023 an average of around 1400 applications were made under the Town and Country Planning Act each year<sup>1</sup>. Over 60% of these sought full planning approval<sup>2</sup> for smaller proposals such as householder applications. For example, this included an average of over 70 applications each year for replacing windows to properties in Conservation Areas.

By reviewing and expanding the works that can be undertaken without needing a planning application, finite government resources can be redirected towards dealing with those proposals which most need the scrutiny afforded by the planning application process. Furthermore, those wishing to invest in property improvements are able to do so more easily, which is of benefit to both property owners and the wider construction industry.

### **How and when can I comment?**

Comments can be submitted via the Consultation Hub (accessed via <https://consult.gov.im/>).

The consultation asks three questions:

- 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)
- 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)
- 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)

### **What will happen next?**

The consultation results will be considered and any necessary amendments made to the Orders. The final versions of the orders will be 'made' by the Cabinet Office and must then be approved by Tynwald. It is envisaged that the orders will come into force in early 2025.

---

<sup>1</sup> This excludes Applications for Approval of Information Required by Condition

<sup>2</sup> Including change of use or variation of condition

## **2.0 BACKGROUND**

### **Built Environment Reform Programme**

The Built Environment Reform Programme was launched in July 2022 and refreshed in May 2023. It is a package of measures including improvements to the planning system to facilitate delivery of the Island Plan and Economic Strategy. The programme includes the carrying out of targeted amendments to Planning Legislation to increase the small scale/routine activity that can be undertaken without a planning application.

One of the ways to allow activity to take place without needing a planning application is by including it in a Permitted Development Order ("PDO"). PDOs are within the remit of the Cabinet Office, whilst the determination of planning applications are the remit of the Department of Environment, Food and Agriculture ("DEFA"). The two Departments are working together to deliver a number of changes to the planning system as part of the reform programme.

A key message is that just because something is not Permitted Development it does not mean it is unacceptable. Part of the purpose of Permitted Development is to allow uncontroversial and small scale works without needing a planning approval. Works which are not Permitted Development may require the scrutiny afforded by the planning application process but that is not to say that they are unacceptable, indeed around 90% of planning applications are approved.

### **Scope of Review and Consultation**

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 proposals are set out in the next section and as part of the consultation the drafts Orders are available to view. The other extant PDOs are outside the scope of this review and consultation. Details of existing Permitted Development, including the Interactive House and how to ask questions about specific proposals can be found [online](#) and will be updated as necessary once the proposed changes are finalised.

*It should be noted that whilst this consultation document contains information to explain the proposals but should not be relied on as legal advice and in case of doubt the legislation itself should be referred to.*

### **Approach to Permitted Development Orders**

The Town and Country Planning Act defines 'development' at Section 6 and Section 7. Before you can carry out 'development', you need planning approval. This approval can be specific (application) or by Development Order. A Development Order gives 'blanket' planning approval (often called Permitted Development or "PD") and can be subject to conditions/limitations.

Each PDO typically sets out general provisions in terms of interpretation, general conditions/limitations and provisions for not applying the order in certain areas. The orders then have schedules which set out the development which is permitted, with each 'class' of permitted development often having specific conditions/limitations. As well as the specific proposals set out in this report, any necessary amendments to these general provisions will also be made. In this consultation document reference is made to provisions in various classes. In each case the order should be referred to for the specific wording and detailed limitations or conditions that might apply.

There are a number of terms used which are defined within the Town and Country Planning Act. Some terms have a definition within the Orders. Terms will otherwise have their ordinary meaning. The following should be noted in reviewing the draft orders.

- Section 34 of the Interpretation Act 2015 provides that, "Words in the singular include the plural and words in the plural include the singular" and so the need to specify where there is a limit on the number of something has been considered.
- The definition of building within the Act is, "includes any structure or erection, and any part of a building, as so defined, but does not include any plant or machinery comprised in a building" however the definition of building within the Permitted Development Order is, "does not include plant or machinery or any gate, fence, wall or other means of enclosure"
- "Dwellinghouse" is not defined in the Act but is in the Town and Country Planning (Use Classes) Order.

## **Review of the Definition of Development**

Separate work is being undertaken to amend the definition of Development in the Act and produce a secondary legislation Definition of Development Order. This is likely to make provision for:

- routine maintenance within highways and rivers being excluded from development
- the removal of the requirement for demolitions in Conservation Areas to have Registered Building Consent, and all demolition works to be included in the Act's definition of Development, with the order to then exclude demolition of smaller buildings and (outside of Conservation Areas) fences/walls/gates/means of enclose;
- repairs and Rebuilding Works to be included to the Act's definition with the order then excluding the removal and replacement of chimneys as long as they are externally like for like (which would involve partial demolition and so is development);
- hard-surfacing of a domestic garden to be included in the Act's definition but excluded through the order in most circumstances where it is smaller and permeable;
- exterior painting of buildings to be included in the Act's definition but excluded through the order where it does not include the application of paint or colour to a Building within a Conservation Area to which paint has not previously been applied; and
- placement of temporary structures (including on wheels) included in the Act's definition.

Although the above is outside the scope of this review/consultation it is likely that the updated Permitted Development will be in force before the amended Act and so it is important to consider how the two will interface both prior to and post the Act being updated. A number of points that are to be addressed through the above have, however, been scoped out of the Permitted Development Order review.

### **3.0 PROPOSALS**

#### **Proposal 1: Replacement of the Town and Country Planning (Permitted Development) Order 2012**

The majority of the existing permitted development is contained within the Town and Country Planning (Permitted Development) Order 2012. It is proposed to fully review/replace this order with the key changes including:

- targeted Amendments to a number of classes – including conditions/limitations applied;
- additional classes for play equipment on existing open space;
- a re-write of the provisions for extensions to dwellinghouses to allow larger extensions and additional classes for porches, dormers and chimney/flue/vent/soil pipes;
- Application of many classes of permitted development that apply outside of Conservation Area within Conservation Areas, but with additional safeguards; and
- allowance for Repairs, Alterations and Replacements.

The detail of the key proposed changes is set out in appendix 1 and the draft order is available to view separately. It should be noted that although this will be a replacement order, to assist in comparing the existing and new order the number of the classes has been kept the same.

#### **Proposal 2: Alterations to the Town and Country Planning (Change of Use) (Development) (No. 2) Order 2019**

Targeted changes are proposed to the Town and Country Planning (Change of Use) (Development) (No. 2) Order 2019 to ensure certain town centre uses have sufficient bin storage, allow for changes to/from self-contained tourist units, to allow the change from 2 dwellings to a combined dwelling (e.g. merging of flats) and to better control opening hours where a new use is a bar/cafe/restaurant.

The detail of the key proposed changes is set out in appendix 2 and the draft order is available to view separately.

#### **Proposal 3: Alterations to Town and Country Planning (Permitted Development) (Temporary Use or Development) Order 2015**

Targeted changes are proposed to the Town and Country Planning (Permitted Development) (Temporary Use or Development) Order to allow for public events on land which is owned or controlled by Government Departments, Local Authorities or Statutory Boards to allow for events such as concerts or circuses. Expansion of what can be undertaken at the Grandstand/Nobles Park in relation to race-associated activity is proposed.

The detail of the key proposed changes is set out in appendix 3 and the draft order is available to view separately.

## **Appendix 1 – Proposed Amendments to the Town and Country Planning (Permitted Development) Order 2012.**

### **General Provisions**

This order has been updated on a number of occasions and the extant version sets out:

- various interpretations (Article 3);
- that the PD set out in Schedule 1 may be carried out anywhere outside a Conservation Area and that the PD in Schedule 2 may be carried out within a Conservation Area (Article 4);
- various standard conditions (in relation to tree protection, preventing new/amended vehicular accesses, avoiding obstructions to highway visibility and preventing anything being done under PD that would breach a condition of a specific planning approval) (Article 4).

### **Key Proposed Changes**

A number of general changes are proposed including:

- adding a standard condition that PD does not apply within the curtilage of a Registered Building;
- stating that where reference is made to a height/distance from ground level then (unless specifically indicated otherwise) when measuring the height of the development on sloping or uneven ground, the height should be measured from within the site prior to any works taking place and at the lowest point immediately adjacent to the development/works – this is particularly relevant when considering the proposals for such things as walls/fences and decking/patios;
- clarify that all footprints are measured externally and the meaning of “original dwellinghouse”;
- provide definitions which distinguish between public highways and private roads;
- reviewing the definitions in light of wider changes and to ensure they are clear and fit for purpose (e.g. terms such as principal and side elevations); and
- overall general updating/clarification of drafting (including using the Use Classes Order definition of dwellinghouse).

### **Schedule 1, Part 1 – Statutory Undertakings**

This relates to Statutory Undertakings and provides for the following:

- Class 1 Repairs to Services
- Class 2 Highway Works
- Class 3 Land Drainage Works
- Class 4 Sewage and sewage disposal
- Class 5 Water supply
- Class 6 Railway works
- Class 7 Tramway works
- Class 8 Gas supply
- Class 9 Laying of gas pipes etc. by Manx Utilities Authority
- Class 10 Electricity supply
- Class 11 Post Office
- Class 12 Street furniture
- Class 12A Public electric vehicle charging points

## Key Proposed Changes

A number of general changes are proposed including:

- expanding 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;
- amending Class 7 (Tramway Works) to align with separate drafting work in that area;
- removing requirements for notices/prior approvals under Classes 8 (Gas Supply) and 9 (Laying of gas pipes etc. by Manx Utilities Authority) and amend Class 9 so that proposals above the threshold for requiring prior approval simply require a planning application (as it is unclear what the purpose of the notification process is for Classes 8 and Class 9 or what the prior approval process for some elements of Class 9 would be);
- expanding Class 12 (Street furniture) to review the list of works for Public Bodies to add Public Art (suggestions for other additions are invited) - Class 12 for Public Bodies<sup>3</sup> Local Authorities includes things such as lamp standards, public shelters and refuse bins; and
- introducing an additional class (12B) to allow the provision of play equipment on public open space and schools in accordance with the established Fields in Trust standards.

## Notes

- DEFA is currently reviewing the definition of development within the Town and Country Planning Act which may mean that Class 1 (Repairs to Services) is no longer required, but as this work has not been finalised it is not yet proposed to remove this class. These changes may also have implications for Classes 2 (Highway Works) and 3 (Land Drainage Works) insofar as these relate to maintenance. However, the PD means that improvement (rather than maintenance) does not require planning consent if it is outside a Conservation Area and complies with the standard condition, including that there is no loss of trees (unless emergency Flood Risk Management or “FRM” Works). It is also noted that the Flood Risk Management Act (“FRMA”) excludes some works from requiring any form of planning consent (for example those included within a FRM Plan Published under the FRMA). Therefore these classes are to be retained, with Class 2 being expanded in light of feedback from the DOI Highways.
- Class 10 includes the installation of telecommunications lines by the Manx Utilities Authorities, but otherwise telecommunications Permitted Development is provided for in a separate Telecommunications Permitted Development Order and any review/amendments to that are outside the scope of this consultation.

## Schedule 1, Part 2 - Operations within the curtilage of a dwelling house

This part is split into two sections, with those in Section A having standard conditions relating to watercourses and overhead lines.

Section A includes:

- Class 13 Greenhouses and polytunnels
- Class 14 Extension of dwellinghouse
- Class 14A Domestic electric vehicle charging points
- Class 15 Garden sheds and summer-houses
- Class 16 Fences, walls and gates

---

<sup>3</sup> Defined as, “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”



- Class 17 Private garages and car ports
- Class 18 Domestic fuel storage tanks
- Class 19 Replacement of waste water treatment system
- Class 20 Erection of a flagpole
- Class 21 Construction of decking
- Class 22 Solar Panels (Standalone)
- Class 23 Heat Pumps
- Class 23A Air source heat pumps

Section B includes:

- Class 24 Installation of replacement windows and doors
- Class 24A Replacement of conservatory roofs
- Class 25 Installation of or removal of Patio doors
- Class 26 Garage doors
- Class 27 Satellite dishes
- Class 28 Roof-lights

### **Key Proposed Changes to Section A - Standard Conditions**

A number of general changes are proposed including two additional conditions:

- the area of ground covered by buildings within the curtilage of a dwellinghouse (excluding the original dwellinghouse and any hard surface or deck) may not exceed 50% of the curtilage (excluding the ground area of the original dwellinghouse and any hard surface or deck); and
- after the development has taken place there is, within the curtilage of the dwelling house, there may not be less than the lesser of:
  - 2 car parking spaces of at least 6 metres by 3.25 metres; or
  - the number and size of parking spaces prior to the operations taking place<sup>4</sup>.

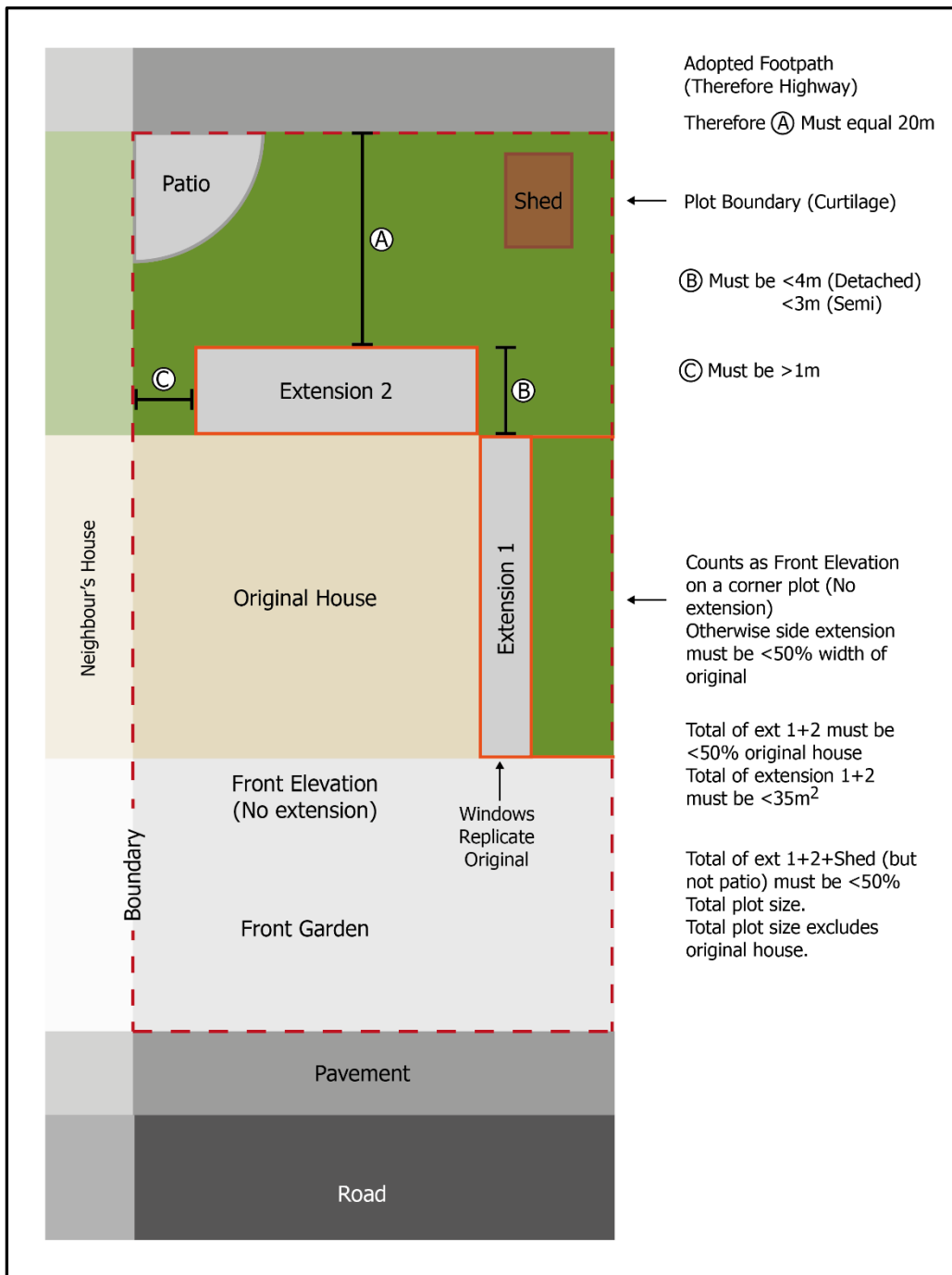
### **Key Proposed Changes to Existing Classes**

A number of general changes are proposed including as set out below.

- Class 14 (Extension of dwelling house) - Review to allow proportionate extensions relative to house size. The existing class 14 has a number of conditions, including that the extension can be no more than 15 square metres of floorspace (measured externally). For some houses this will be a relatively large extensions and for others very small. It is therefore proposed to alter the safeguards so that larger extensions can be permitted where they are proportionate to the size of the existing house and the size of the plot. The diagram below should be read in conjunction with Class 14 of the Order and is intended to illustrate some of the concepts in relation to how extensions can be sited and sized.

---

<sup>4</sup> Remove condition from Class 14 which duplicates this



**Key Proposed Changes to Existing Classes (continued)**

- Introduce additional classes (14B and 14C) to allow for porches and roof extensions (dormers). The current permitted development Class 14) does not include provision for roof extensions (dormers) or (due to the conditions) porches. These could be introduced as specific classes. There are concerns that, where poorly executed, such works can undermine the quality of both individual properties and the streetscene, and applications for such works are sometimes refused. However, a balance needs to be struck between controlling development for public benefit and having a proportionate level of control that can be implemented with limited resources, and it is noted that other jurisdictions do have such provisions. Proposals for permitted development for such provisions are therefore cautiously included for public comment.

- Amend Class 15 (Garden sheds and summer houses) to add reference to pergolas - pergolas are, subject to similar restrictions, no more objectionable than sheds and summer houses but are not currently allowed for.
- Amendments to Class 16 (Fences, walls and gates within/on curtilage of a dwelling house) and Class 39 (Fences, walls and gates not within/on curtilage of a dwelling house) so that they align where appropriate and are more flexible in allowing for amendments to existing walls/fences and replacement fences which are no taller than the wall/fence being replaced.
- Amend the condition on Class 17 (Private garages and car ports) to increase the size of garage allowed to align with the minimum recommended sizes in the Manual for Manx Roads. Also amended is the provision which limits the number of garages/carports to indicate that where a garage has previously been erected (either under Permitted Development or via a full planning approval) and converted into living accommodation (for example under Class 26) no further garages can be erected under Permitted Development.
- Clarify Class 18 (Domestic fuel storage tanks) that no more than 1 tank is allowed
- Amend Class 21 (Construction of Decking) to add patios<sup>5</sup> and also to allow patio/decking 0.5 metres above ground level and any attached structures (such as railings) are not more than 2.5 metres above ground level (this follows feedback from industry and also aligns with Scotland's provision, although is higher than provided for in Wales and Northern Ireland).
- It is also proposed to add a new Class (21A) to Section A to allow for the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse. There are a number of proposals for such flues and in planning terms they are of limited impact (visually) where they are not appropriately sited/installed/maintained they can cause amenity issues in relation to smoke, but this is a matter for Statutory Nuisance legislation.
- Amend Class 22 (Solar Panels – Stand Alone) to specify a maximum of 2 per property - the absence of a limit on the maximum number of stand-alone solar panels within a curtilage could be problematic.
- Amend Class 23 (Heat Pumps) to include explicit reference to boreholes required for vertical installations - It is not clear whether Class 23 includes for boreholes for vertical Ground Source Heat Pumps, however there do not appear to be any concerns about their inclusion in this class.
- Amend Class 23A (Air Source Heat Pumps) – currently installation of one pump subject to conditions, including that it is not within 1m of a boundary and that it meets set noise limits - which consider the nearest buildings which are used as residential or tourist accommodation (Part 3 of the [Use Classes Order](#)), residential school, hostel or secure residential accommodation (measurements taken at nearest window which is not an outbuilding or garage). Following discussions with Manx Utilities informed by the experience of the ongoing ASHP trials, it is proposed to amend these conditions so that installation is allowed within 1m of a boundary as long as that boundary is not with residential/tourist (Part 3) use. It is also proposed to amend the definition of nearest window to exclude windows for non-habitable rooms (definition to align with that in the [Residential Design Guide](#) - bathrooms, utility rooms, hallways/corridors, stairs/landings, garages, porches, and storage). It is proposed to allow installation of two pumps (2 allow cascade installations for larger properties) subject to the combined noise impacts meeting the set limits.

---

<sup>5</sup> *Smaller patios may not constitute development, however larger patios are capable of constituting development and so requiring planning approval*

- Amend Class 24 (Installation of replacement windows and doors) to allow the enlargement of apertures where it is on the ground floor of a wall which is not facing a road or a side elevation” - the current provision is for, “The installation of a window or an external door in an existing aperture in a dwellinghouse” and is subject to conditions that, “(a) no alteration may be made in the size, shape or position of the aperture; (b) no windows or doors may open over any part of the highway or boundary of the dwellinghouse; and (c) the dwellinghouse must not be located within a conservation area which is proposed in a published document”. Condition (a) restricts the installation of rear patio doors etc. which in many cases is unproblematic (noting that Class 25 separately allows for the installation or removal of patio doors but not single doors).
- Amend Class 24 to remove the condition that the class does not apply in proposed conservation areas – the proposed conservation areas have not been made into formally designated conservation areas.
- Amend Class 25 (Installation of or removal of Patio doors) to increase the width of the patios doors that can be installed.
- Amend the conditions attached to Class 26 (Garage Doors) to add a requirement that any walling must match that on the major part of the dwellinghouse and allow for the reversal of works undertaken to replace a garage door - this currently allows for the removal of garage doors with a window and conditions the proportion of the window, but not any brickwork, nor does it currently allow for the reversal of such works.

### **Key Proposed Additional Classes 28A: Repair, alteration or replacement and 29: Rebuilding and 44 Replacement roofs**

Development does not include the carrying out for the maintenance, improvement or other alteration of any building or works which affect only the interior of the building, or do not materially affect the external appearance of the building.

Therefore, if works are undertaken to replace a roof or windows on a like-for-like basis then this would not normally be taken to be development. However, if there are material differences then such replacements could constitute development. If works are undertaken to remove and rebuild a chimney then, depending on scale, this is arguably development as it contains an element of partial demolition (that may not be PD) and rebuilding.

In the case of a complete rebuild this may require approval. This is because, if subject to a specific planning approval, once an approval is implemented it is ‘spent’ and so it can only be used once. The wording of the PD at present also does not allow for the replacement of a structure (for example a garden shed) even if that structure was PD originally. It is noted that if a building which was allowed under a planning approval was allowed to be rebuilt under permitted development then any conditions attached to the original approval may (depending on the circumstances) no longer be enforceable.

It is therefore proposed to make provision for:

- the repair, alteration or replacement (e.g. removal and rebuilding) of an outbuilding within a domestic curtilage building where the final resulting building would be allowed under a

separate provision of this order in relation to the following (but can be materially different to the existing (to apply to Schedule 1, Part 2 only);

- the re-building of an outbuilding within a domestic curtilage which results in a new building which accords with the original (spent) planning application drawings and where no conditions other than the time for commencement were attached to the original approval (to apply to Schedule 1, Part 2 only); and
- replacement roofs on any building outside a Conservation Area (where they are the same size/shape but with some flexibility on materials so they do not have to be exactly like-for-like) – this would be included in Part 4 – Miscellaneous Development.

### **Schedule 1, Part 3 – Aviation Operations**

This provides for the following:

- Class 30 Development at an airport
- Class 31 Air navigation development at airport
- Class 32 Air navigation development near airport
- Class 33 Stationing of moveable apparatus in an emergency
- Class 34 Use of airport buildings
- Class 35 Alteration of fence etc. to provide access for emergency vehicles

### **Key Proposed Changes to Existing Classes:**

The key change is:

- removing the requirement under Class 30 (Development at an Airport) to consult with DEFA - Consultation with relevant technical advisors within Government and other stakeholders is encouraged, but the inclusion of requirements for this within Permitted Development can lead to confusion over the purpose and process. Such consultation can take place without there being reference in the order in relation to it.

### **Schedule 1, Part 4 – Miscellaneous Operations**

This provides for the following:

- Class 36 Demolition of part of building
- Class 37 Satellite dish
- Class 38 Installation of replacement windows and doors
- Class 39 Fences, Walls and Gates
- Class 40 Forestry operations
- Class 41 Closed-circuit television cameras
- Class 42 Solar Panels (Roof mounted)
- Class 43 School cycle shelters

### **Key Proposed Changes to Existing Classes:**

A number of general changes are proposed including:

- Class 36 (Demolition of part of building) – a condition is added that any exposed structures must be made good and decorated to match the remaining building or structure;
- Class 38 (Installation of replacement windows and doors) – ensuring this aligns with the wording of Class 24 (replacement windows in dwelling houses) – including that both take the same approach in terms of proposed Conservation Areas; and

- class 39 (Fences, Walls and Gates outside the curtilage of a dwelling house) ensuring that this aligns where appropriate with the provisions of Class 16 (Fences, Walls and Gates within or on the curtilage of a dwelling house).

Notes:

- DEFA is currently undertaking work to review the definition of development within the Act and any detailed provisions in secondary legislation made under that part of the Act. Emerging work suggests that the demolition of part of a building will remain development and as such Class 36 will still be appropriate/required and so no changes are proposed to it.

## **Schedule 2– Operations within Conservation Areas**

This provides for the following:

- Class 1 Repairs to services
- Class 2 Highway works
- Class 3 Sewerage and sewage disposal
- Class 4 Water supply
- Class 5 Railway works
- Class 6 Tramway works
- Class 7 Gas supply

### **Key Proposed Changes:**

A number of general changes are proposed including:

- making some additional allowances within Class 2 (Highway Works) in response to comments from the DOI Highways;
- amending Class 6 (Tramway Works) to align with separate drafting work in that area; and
- in relation to Class 7, removing the current requirement for the giving of a notice which is proposed for removal to align with proposed changes to Schedule 1.

### **Key Proposed Additional Section – Schedule 2, Part 2 – Extension of Classes to Conservation Areas**

Conservation Areas are intended to protect the character of the built environment in the public interest, as such more flexibility is possible in private spaces (such as rear gardens). It is therefore proposed to extend the following classes so that they apply within Conservation Areas, but with additional conditions to limit works which would impact on the streetscene.

Within the Curtilage of Dwelling Houses:

- Class 13 Greenhouses and polytunnels (paragraph 16);
- Class 14 Extension of dwellinghouse (paragraph 17);
- Class 14A Domestic electric vehicle charging points (paragraph 18);
- Class 15 Garden sheds and summer-houses (paragraph 21);
- Class 18 Domestic fuel storage tanks (paragraph 24);
- Class 19 Replacement of waste water treatment system paragraph 25);
- Class 21 Construction of decking (paragraph 27);
- Class 22 Solar Panels (Stand alone) (paragraph 29);
- Class 23 Heat Pumps (paragraph 30);
- Class 23A Air source heat pumps (paragraph 31);

- Class 24 Installation of replacement windows and doors (paragraph 32);
- Class 24A Replacement of conservatory roofs (paragraph 33);
- Class 25 Installation of or removal of Patio doors (paragraph 34);
- Class 28 Roof-lights (paragraph 37);
- Class 28A Repair, alteration or replacement (paragraph 38); and
- Class 29 Rebuilding (paragraph 39).

For any building:

- Class 38 Installation of replacement windows (paragraph 48);
- Class 41 Closed circuit television cameras (paragraph 51); and
- Class 42 Solar panels (roof mounted) (paragraph 52).

## **Appendix 2 - Proposed Amendments to the Town and Country Planning (Change of Use) (Development) (No. 2) Order 2019**

This is a relatively recent order and the result of a full review of both the use classes and the changes of use. A full review of this is not proposed, however some targeted amendments have been identified and are proposed, these are summarised below.

**Class 1** - Additional standard conditions are to be applied to Class 1 - Change of use to shops, financial and services or food which states that: no use is permitted which does not have suitable bin storage provision (this is to reflect the issue that some uses may require larger commercial bins and the siting of these can be problematic in some instances); and no customer shall be permitted to remain within the relevant building or land between the hours of 2100 and 0700.

**Class 3** –This provides for, *"The change of use from a use falling within use classes 3.1 (Hotels and guest house), 3.3 (Dwellinghouses) or 3.5 (Houses in multiple occupation) to a use falling within 3.3 (Dwellinghouses), or a combined use as 3.1 and 3.3"*<sup>6</sup>. The provisions have been expanded to allow for changes from/to various tourist and residential uses. In land use planning terms self-contained tourist uses can be quite similar.

Whether in use as a permanent dwelling or as a tourist unit, the demand for parking is to remain fairly unchanged. It is difficult to assess how an individual would behave, whether as a tourist or a resident. As a tourist, a person may be out a lot of the time, but may also have greater late nights and be disruptive on return. In the meantime, both tourist and permanent residents have incentives for organising gatherings, which can easily be carried out till late at night. In general terms, however, the majority of people tend to behave well and raise no concerns. Therefore, it is unlikely for such changes of use to have a significant impact on the living conditions of the neighbouring properties insofar as this is a planning matter. Therefore in the current policy context such proposals are often successful in gaining planning approval.

**Class 4** – This currently provides for, "The change of use of a building from use as two or more dwellinghouses to use as a single dwellinghouse". Neither the Act nor the change of use order defines dwellinghouse, but the 2012 order uses, "means a building occupied for residential purposes other than a building containing one or more flats, or a flat contained within such a building". Class is proposed to be amended to use the term "dwelling" and be expanded to allow for the conversion of two flats into either a single flat or a dwelling house.

**Schedule 2** - Classes 1 and 2 of this order relates to changes to town centre uses within defined town centre areas which are shown in Schedule 2 and have recently been reviewed. It is considered that these align with the existing and emerging Areas Plans but as part of this consultation comments are welcomed on any anomalies with regards to these.

---

<sup>6</sup> *Subject to conditions, "1 A change of use from use class 3.1 to 3.3 is not approved if the building in question is in an area which is not indicated in a development plan as an area of residential use or predominantly residential use" and "2 The change of use to a combined use of use classes 3.1 and 3.3 is not approved if more than 3 bedrooms in the building may be used by guests"*.



### **Appendix 3 - Proposed Amendments to the Town and Country Planning (Permitted Development) (Temporary Use or Development) Order 2015.**

This order makes a number of provisions and some targeted amendments could be made as set out below. The order is subject to standard conditions that apply to all development within the order and no changes are proposed to these (e.g. no creation of new access to a highway, no loss of trees etc.).

**Class A** - Permitted Development for operations in connection with another development that has been granted approval following an application to the Department or the Department of Environment, Food and Agriculture. This relates to temporary uses associated with developments that have planning approval (e.g. site compounds associated with building sites) and no changes are proposed.

**Class B** - Permitted Development for operations in connection with a permitted use. This relates to temporary events and could be expanded to allow for public events on land which is owned or controlled by Government Departments, Local Authorities or Statutory Boards to allow for events such as concerts or circuses.

**Class C** - Permitted Development for operations in connection with the Isle of Man TT, Manx Grand Prix, Isle of Man Classic TT and the Isle of Man Festival of Motorcycling. This relates to uses on land at the Official Race Event paddock and campsite areas at Nobles Park, Douglas and is shown on a map. This allows for operations in connection with the Isle of Man TT, Manx Grand Prix, Isle of Man Classic TT and the Isle of Man Festival of Motorcycling for race competitor's garages and workshops; hospitality and catering facilities; grandstands; and the use of land for accommodation. It is subject to conditions including that things cannot be erected more than 10 days before the event and taken down within 10 days of it ending, and that the use cannot commence more than 3 days before and must cease 3 days after. In light of discussion with The Motorsport Team (DfE) it is proposed to: review this wording to allow for installation of temporary roadways/footpaths within the sites, ensure allowance for traders/retailers/sponsors including vehicles/awning/marquees, expand the 10 days set up/take down to 14 days and to expand the area of permitted activity to include Nobles Park.

**Class D** - Safety works in connection with the Isle of Man TT, Manx Grand Prix, Isle of Man Classic TT and the Isle of Man Festival of Motorcycling – update races referenced.

**Class E** - Permitted Development for operations in connection with the Southern 100, Pre TT Classic and Post TT Races. This relates to uses on land at the Official Race Event paddock and campsite area at Castletown for Billown Circuit – no changes are proposed to the map but the races referenced are updated and the provisions to be aligned with and subsumed into with Class C.

**Class F** – Safety works in connection with the Southern 100, the Pre TT Classic and the Post TT Races. The races referenced are updated and the provisions to be aligned with and subsumed into with Class D.