

TOWN AND COUNTRY PLANNING (PERMITTED DEVELOPMENT) ORDER 2024

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Statutory Document No. 20XX/XXXX

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Town and Country Planning Act 1999

TOWN AND COUNTRY PLANNING (PERMITTED DEVELOPMENT) ORDER 2024

*Approved by Tynwald:**Coming into Operation:*

The Cabinet Office, having consulted the Department of Environment, Food and Agriculture¹, makes the following Order under section 6(3)(e) and section 8(1), (2)(a), (3), (4) and (5) of the Town and Country Planning Act 1999.

1 Title

This Order is the Town and Country Planning (Permitted Development) Order 2024.

2 Commencement

If approved by Tynwald², this Order comes into operation on XXXXX.

3 Interpretation

(1) In this Order —

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

“**advertisement**” has the same meaning as in section 45(1) of the Act;

“**the Airport**” means the airport operated at Ronaldsway in the parish district of Malew;

“**airport building**” means a building, other than a hotel, required in connection with the movement or maintenance of aircraft, or with the embarking, disembarking, loading, discharge or transport of passengers, livestock or goods at the Airport;

“**airport land**” means land at Ronaldsway in the parish district of Malew vested in the Department of Infrastructure and for the time being used by it for the

¹ As required by section 43A of the Act.

² Tynwald approval is required, pursuant to section 44(1) of the Town and Country Planning Act 1999.

purpose of its functions under section 1 of the Airports and Civil Aviation Act 1987;

“boundary” means the line by which the outer extent of a curtilage is defined, sometimes physically by means of a wall, fence, or hedge;

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

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

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

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

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

“ground level” means the surface of the ground immediately adjacent to the building or structure in question;

“highway” means any highway, verge, footpath and public right of way, maintainable at the public expense within the meaning of section 3 of the Highways Act 1986;

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

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

“principal elevation” means the elevation of the original house which, by virtue of its design and setting, is its main elevation;

“private road” means any highway, verge, footpath and public right of way that are not maintainable at public expense within the meaning of section 3 of the Highways Act 1986;

“public body” means —

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

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

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

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

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

the “**required distance**” is –

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

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

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

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

“**tramway works**” does not include any railway undertaking of the Department of Infrastructure;

“**Use Classes Order**” means the Town and Country Planning (Use Classes) Order 2019³.

(2) In this Order –

- (a) a reference to a drain or sewer includes any manhole, ventilating shaft, pumps or other apparatus or other accessories associated with the drain or sewer;
- (b) unless otherwise stated, where measuring the height from ground level where the ground is sloping, the height should be measured from within the site prior to any works taking place and at the lowest point immediately adjacent to where the works are to take place;
- (c) measurements must always be calculated using an external measurement, where capable of being measured so;
- (d) a reference to the original dwellinghouse does not include a building or other structure within the curtilage of a dwellinghouse, which is not itself the dwellinghouse.

³ SD 2019/0392.

4 Planning approval for certain developments

- (1) Planning approval is granted for developments falling within a class specified in Schedule 1 on any land located outside a conservation area, subject to —
 - (a) any condition specified in that Schedule in respect of that class; and
 - (b) the general conditions in article 5.
- (2) Planning approval is granted for developments falling within a class specified in Schedule 2 on any land located within a conservation area, subject to —
 - (a) any condition specified in that Schedule in respect of that class; and
 - (b) the general conditions in article 5.

5 General conditions applicable to all developments

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

6 Revocation and saving

- (1) The Town and Country Planning (Permitted Development) Order 2012⁴ (“the 2012 Order”) is revoked.
- (2) Despite paragraph (1), the 2012 Order continues to apply where —
 - (a) an application for planning approval has —
 - (i) been made in accordance with the Town and Country Planning (Development Procedure) Order 2019⁵ (“the 2019 Order”); and

⁴ SD 2012/0254.

⁵ SD 2019/0423.

- (ii) not been finally determined in accordance with the 2019 Order;
- (b) a particular development has commenced —
 - (i) but has not yet been completed before this Order comes into operation; and
 - (ii) without an application for planning approval being made in respect of that development on the basis that it was permitted development,
- (3) For the purpose of paragraph (2)(b)(ii), “**permitted development**” means development which falls within a Class and is compliant with any conditions in respect of that Class, specified within the 2012 Order.

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SCHEDULE 1

Article 4(1)

DEVELOPMENTS OUTSIDE CONSERVATION AREAS

PART 1—STATUTORY UNDERTAKINGS

1 Class 1 Repairs to services

Development consisting of any works for the purposes of inspecting, repairing or renewing any sewer, main, pipe, cable or other apparatus, including breaking open any highway, private road or other land for that purpose.

2 Class 2 Highway works

Development by or on behalf of the Department of Infrastructure within an existing highway consisting of works required for, or incidental to, the maintenance or improvement of the highway, consisting of —

- (a) the division of carriageways, provision of roundabouts and variation of the relative widths of carriageways and footways;
- (b) the construction of cycle tracks;
- (c) the provision of subways, refuges, pillars, walls, barriers, rails, fences or posts for the use or protection of persons using a highway;
- (d) the construction and reconstruction of bridges and alteration of level of highways;
- (e) the planting of trees, shrubs and other vegetation and laying out of grass verges;
- (f) the provision, maintenance, alteration, improvement or other dealing with cattle-grids, by-passes, gates and other works for use in connection with cattle-grids;
- (g) the construction, maintenance and removal of road humps;
- (h) the construction and removal of such traffic calming works as may be specially authorised by regulations made under the Highways Act 1986;
- (i) the execution of works for the purpose of draining a highway or of otherwise preventing surface water from flowing on to it;
- (j) the provision of barriers or other works for the purpose of affording to a highway protection against hazards of nature;
- (k) altering or removing any works under the Highways Act 1986 executed by the Department of Infrastructure or on its behalf in relation to a highway;

- (l) any highway works specified in the Highways Act 1986 not specified elsewhere in this Class;
- (m) the provision of traffic signal equipment and associated posts;
- (n) the erection of belisha beacons and matrix type signs;
- (o) the provision of utilities or survey boxes, technology or recording equipment, poles and furniture, erected to facilitate highway or environmental operations;
- (p) the erection of cycle and motorcycle stands and shelters;
- (q) the provision of dropped kerbs, tactile type and corduroy type paving on cycle-paths, cycle tracks, footpaths and footways specified in the Highways Act 1986;
- (t) the provision of kassel type and non-standard height kerbing at bus stops or to control motorised and non-motorised traffic.

3 Class 3 Land drainage works

Development by or on behalf of a body, in the exercise of powers conferred by the Flood Risk Management Act 2013, consisting of works in, on or under a watercourse or land drainage works in connection with the improvement, maintenance or repair of the watercourse or works.

4 Class 4 Sewerage and sewage disposal

- (1) Development by or on behalf of a sewerage authority consisting of —
 - (a) development —
 - (i) not above ground level; or
 - (ii) above ground level and consisting of the construction, erection or alteration of a structure not exceeding 29 cubic metres in capacity,
required in connection with the provision, improvement, maintenance or repair of a sewer, outfall pipe, sludge main or associated apparatus;
 - (b) the provision of plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation.
This is subject to the condition in paragraph (2);
 - (c) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;
 - (d) the placing and storage on land of pipes and other apparatus to be included in a sewer, outfall pipe, sludge main or associated apparatus which is being or is about to be laid or constructed.
This is subject to the condition in paragraph (3);
- (2) The condition referred to in paragraph (1)(b) is that on the earlier of —

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

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

- (3) The condition referred to in paragraph (1)(d) is that on the earlier of –
 - (a) the completion of the laying or construction of the sewer, outfall pipe, sludge main or associated apparatus; and
 - (b) the expiry of 12 months from the commencement of the development,

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

5 Class 5 Water supply

- (1) Development by or on behalf of Manx Utilities Authority for the purpose of its functions consisting of –
 - (a) development not above ground level required in connection with the provision, improvement, maintenance or repair of a mains, pipes or other apparatus;
 - (b) the installation in a water distribution system of apparatus for measuring, recording, controlling, or varying the pressure, flow or volume of water and structures for housing such apparatus.
This is subject to the condition in paragraph (2);
 - (c) the provision of plant, machinery or apparatus in, on over or under land for the purposes of survey or investigation.
This is subject to the condition in paragraph (3);
 - (d) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;
 - (e) any works authorised or required in connection with an order made under section 5 of the Water Act 1991;
 - (f) the placing and storage on land of pipes and other apparatus to be included in a main, or other apparatus which is being or is about to be laid or constructed.
This is subject to the condition in paragraph (4).
- (2) The condition referred to in paragraph (1)(b) is that the development must not involve the installation of a structure for housing apparatus exceeding 29 cubic metres in capacity –
 - (a) above ground, or
 - (b) under a highway used by vehicular traffic.

- (3) The condition referred to in paragraph (1)(c), is that on the earlier of —
- (a) completion of the survey or investigation; and
 - (b) the expiry of 12 months, from the commencement of the development,
- all such development must cease and all such buildings, plant or apparatus must be removed and the land restored as soon as practicable to its condition before the development took place;
- (4) The condition referred to in paragraph (1)(f), is that on the earlier of —
- (a) completion of the laying or construction of the main, pipe or apparatus; and
 - (b) the expiry of 12 months from the commencement of the development,
- the pipe or apparatus must be removed and the land restored as soon as reasonably practicable to its condition before the development took place.

6 Class 6 Railway works

- (1) Development by the Department of Infrastructure on land within the site of an existing railway line consisting of works required in connection with the movement of traffic by rail.
- This is subject to the condition in paragraph (2).
- (2) The development must not involve the construction, erection or alteration of —
- (a) a building; or
 - (b) a structure exceeding 29 cubic metres in capacity above ground.

7 Class 7 Tramway works

Development for the purposes of any tramway works consisting of —

- (a) the installation, maintenance, improvement, removal or other alteration of tramway tracks, conduits, drains and pipes in connection with such tracks for the working of tramways;
- (b) the installation, maintenance, improvements, removal or other alteration of telephone cables and apparatus, stop posts and signs required in connection with the operation of tramcars;
- (c) the erection or construction and the maintenance, improvement or other alteration of passenger shelters and barriers for the control of people waiting to enter tramcars.

8 Class 8 Gas supply

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

- (a) development not above ground level required in connection with the provision, improvement, maintenance or repair of mains, pipes or other apparatus;
 - (b) the installation in a gas distribution system of apparatus for measuring, recording, controlling or varying the pressure, flow or volume of gas, and structures for housing such apparatus.
This is subject to the condition in paragraph (2);
 - (c) the placing and storage on land of pipes and other apparatus to be included in a main or pipe which is being or is about to be laid or constructed.
This is subject to the condition in paragraph (3).
- (2) The condition referred to in paragraph (1)(b) is that the development must not include the installation of a structure for housing apparatus exceeding 29 cubic metres in capacity –
- (a) above ground; or
 - (b) under a highway used by vehicular traffic.
- (3) The condition referred to in paragraph (1)(c) is that on the earlier of –
- (a) completion of the laying or construction of the main or pipe; and
 - (b) the expiry of 12 months from the commencement of the development,
- the pipe or apparatus must be removed and the land restored as soon as reasonably practicable to its condition before the development took place.

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

- (1) Development by or on behalf of the Manx Utilities Authority in the exercise of its functions under section 15A of the Electricity Act 1996 (laying of gas pipes to supply generating stations etc.) consisting of –
- (a) development not above ground level required in connection with the provision, improvement, maintenance or repair of mains, pipes or other apparatus;
 - (b) the installation in a gas distribution system of apparatus for measuring, recording, controlling or varying the pressure, flow or volume of gas, and structures for housing such apparatus.
This is subject to the condition in paragraph (2);
 - (c) the placing and storage on land of pipes and other apparatus to be included in apparatus which is being or is about to be laid or constructed.
This is subject to the condition in paragraph (3).
- (2) The condition referred to in paragraph (1)(b) is that the development must not involve the installation of a structure for housing apparatus exceeding –

- (a) 29 cubic metres in capacity above ground;
 - (b) 3 metres in height above ground; or
 - (c) 29 cubic metres in capacity under a highway used by vehicular traffic.
- (3) The condition referred to in paragraph (1)(c) is that on the earlier of —
- (a) the completion of the laying or construction of the main or pipe; and
 - (b) the expiry of 12 months from the commencement of the development,
- the pipe or apparatus must be removed and the land restored as soon as reasonably practicable to its condition before the development took place.

10 Class 10 Electricity supply

- (1) Development by or on behalf of the Manx Utilities Authority (“the Authority”) for the generation, transmission or supply of electricity for the purposes of its undertaking, consisting of —
- (a) the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or transforming or switching stations or chambers reasonably necessary in connection with an electric line.
This —
 - (i) includes the replacement of a support where the height of the new support does not exceed the greater of the height of the existing support and 15 metres; and
 - (ii) is subject to the conditions in paragraph (2);
 - (b) the installation or replacement of any telecommunications line which connects any part of an electric line to any electrical plant or building, and the installation or replacement of any support for any such line.
This is subject to the conditions in paragraph (3);
 - (c) the sinking of boreholes to ascertain the nature of the subsoil and the installation of any plant or machinery reasonably necessary in connection with such boreholes.
This is subject to the condition in paragraph (4)
- (2) The conditions referred to in paragraph (1)(a) are that —
- (a) the development must not consist of or include the —
 - (i) installation of an electric line above ground level (other than an exempt line); or

- (ii) installation or replacement at or above ground level or under a highway used by vehicular traffic, of a chamber for housing apparatus and the chamber would exceed 29 cubic metres in capacity above ground;
 - (b) in the case of development consisting of or including the replacement of an existing electric line, any conditions contained in a planning approval relating to the height, design or position of the existing electric line which are capable of being applied to the replacement line; and
 - (c) in the case of development consisting of or including the installation of a temporary electric line providing a diversion for an existing electric line, is that on the earlier of the –
 - (i) ending of the diversion; and
 - (ii) expiry of a period of 12 months beginning from the completion of the installation,the temporary electric line must be removed and the land on which any development have been carried out to install that line must be restored as soon as reasonably practicable to its condition before the development took place;
- (3) The conditions referred to in paragraph (1)(b) are that the development must not include –
 - (a) any supports that exceed 15 metres in height; or
 - (b) telecommunication lines that exceed 1000 metres in length.
- (4) The condition referred to in paragraph (1)(c) is that on the earlier of –
 - (a) completion of the development; and
 - (b) the expiry of a period of 12 months beginning from the commencement of the development,any such plant or machinery must be removed and the land must be restored as soon as reasonably practicable to its condition before the development took place.
- (5) For the purpose of this Class –
 - “**electrical plant**” means any plant, equipment, apparatus or appliance used for, or for purposes connected with, the generation, transmission or supply of electricity, other than –
 - (a) an electric line;
 - (b) a meter used for ascertaining the quantity of electricity supplied to any premises; or
 - (c) any electrical appliance under the control of a consumer;
 - “**electric line**” means any wire, cable, tube, pipe or other similar thing (including its casing or coating) designed or adapted for use in

carrying electricity, which is used for carrying electricity for any purpose, and includes –

- (a) any support for any such line (that is, any structure, pole or other thing in, on, by or from which the line is or may be supported, carried or suspended);
- (b) any apparatus connected to any such line for the purpose of carrying electricity; and
- (c) any wire, cable, tube, pipe or other similar thing (including its casing or coating) which surrounds or supports, or is surrounded or supported by, or is installed in close proximity to, or is supported, carried or suspended in association with, any such line;

“exempt line” means an electric line which –

- (a) has a nominal voltage not exceeding 20kv and is used or intended to be used for supplying a single consumer; or
- (b) is or will be within premises in the occupation or control of the Authority;

“telecommunications line” means any line which forms part of an electronic telecommunications apparatus within the meaning provided in section 3 of the Communications Act 2021.

11 Class 11 Post Office

Development by or on behalf of the Isle of Man Post Office consisting of the installation of posting boxes, self-service machines or second-bag boxes.

12 Class 12 Street furniture

- (1) Development by or on behalf of a public body consisting of the erection or construction, or the maintenance, improvement or other alteration, in a highway or other road or any public place of any of the following structures –
 - (a) lamp standards;
 - (b) information kiosks;
 - (c) public shelters;
 - (d) public seats;
 - (e) traffic signs;
 - (f) signposts;
 - (g) public drinking fountains;
 - (h) refuse bins or baskets;
 - (i) raised paving, pillars, walls, rails, fences and barriers for safeguarding persons using the highway;

- (j) public art.
- (2) In this Class “**traffic sign**” has the same meaning as in section 15(1) of the Road Traffic Regulation Act 1985.

13 Class 12A Public electric vehicle charging points

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

14 Class 12B Play areas

- (1) Development by a Local Authority or the Department of Education, Sport and Culture consisting of the erection or construction or the maintenance, improvement or other alteration, installation of equipment and surfacing, on land which is used as a public space or a school, of the following areas —
 - (a) Local Area of Play (LAP);
 - (b) Local Equipped Area of Play (LEAP);
 - (c) Neighbourhood Equipped Area for Play (NEAP); or
 - (d) Multi Use Games Area (MUGA).

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

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

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

NEAP	31.6 x 31.6	30
MUGA	40 x 20	30

(3) For the purpose of this Class —

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

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

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

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

PART 2—DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

15 General conditions

- (1) The following conditions apply to Classes 13 (paragraph 16) to 23A (paragraph 31).
- (2) No part of the development may be constructed within 9 metres (measured at ground level) of the route of any overhead electrical line carrying 11kv or more (High Tension power cable).
- (3) No part of the development may be constructed within 9.1 metres of the bank of any designated watercourse under the Flood Risk Management Act 2013.
- (4) 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.
- (5) A development within the curtilage of a dwellinghouse may not leave less than the lesser of —
 - (a) 2 car parking spaces of at least 6 metres by 3.25 metres; or
 - (b) the number and size of parking spaces prior to the development taking place.

16 Class 13 Greenhouses and polytunnels

- (1) The erection of a greenhouse or polytunnel within the curtilage of a dwellinghouse.

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

- (2) Those conditions are (in addition to those specified in paragraph 15) —
- (a) the height of the greenhouse or polytunnel must not exceed 2.8 metres above ground level;
 - (b) the area of ground covered by the greenhouse or polytunnel must not exceed 15 square metres;
 - (c) no part of the greenhouse or polytunnel may be nearer to any highway which bounds the curtilage of the dwellinghouse than the nearer of —
 - (i) that part of the dwellinghouse nearest to that highway; or
 - (ii) 20 metres;
 - (d) no part of the greenhouse or polytunnel may be nearer than 1 metre to any part of the dwellinghouse or the boundary of the property; and
 - (e) the greenhouse or polytunnel must be constructed in a frame of polycarbonate or glass.

17 Class 14 Extension of dwellinghouse

- (1) The enlargement of a dwellinghouse (including the erection of an extension or conservatory).

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

- (2) Those conditions are (in addition to those specified in paragraph 15) —
- (a) no part of the enlargement may —
 - (i) be forward of a wall forming part of the principle elevation or side elevation of the existing dwellinghouse, where that elevation fronts a highway;
 - (ii) in the case of an enlargement to a rear elevation which fronts a road, be nearer than whichever of the following is nearest to that highway —
 - (A) any part of the existing dwellinghouse at that rear elevation; or
 - (B) 20 metres;
 - (iii) extend beyond the rear wall of the original dwellinghouse by more than —
 - (A) 4 metres in the case of a detached dwellinghouse; or
 - (B) 3 metres in the case of any other dwellinghouse;

- (iv) extend beyond a wall forming a side elevation by a distance equal to half the width of the original dwellinghouse;
 - (v) be nearer than 1 metre to the boundary of the curtilage of the dwellinghouse;
 - (vi) be situated closer to a tree (other than a tree referred to in section 3(3) of the Tree Preservation Act 1993) than the required distance;
- (b) the area covered by the enlargement may not –
- (i) exceed 35 square metres, and for this purpose, any previous enlargements to the area covered by the original dwellinghouse will count towards this 35 square metre limit; or
 - (ii) result in the area of ground covered by the resulting dwellinghouse being more than 1.5 times greater than the area of ground covered by the original dwellinghouse;
- (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;
- (d) the height of the eaves of the enlarged part of the dwellinghouse may not exceed the height of the highest eaves of the existing dwellinghouse;
- (e) where the enlargement is to a side elevation (not including a rear extension which is wider than the width of the existing dwellinghouse, and does not involve any works which are forward of the existing rear elevation), the roof pitch must match that of the main part of the dwellinghouse;
- (f) the external finish of any walling or pitched roof must match that of the majority of the rest of the dwellinghouse;
- (g) any windows which will form part of a principal elevation or a side elevation which fronts onto a road must replicate the proportions and materials of the windows on the ground floor of the same elevation;
- (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;
 - (ii) the construction or provision of a deck, balcony, veranda or other raised platform;

- (iii) the provision of a basement;
- (iv) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
- (v) the installation, alteration or replacement of a microwave antenna.

18 Class 14A Domestic electric vehicle charging points

- (1) The installation, alteration or replacement of an electric vehicle charging point and any associated underground pipework within the curtilage of a dwellinghouse.

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

- (2) Those conditions are (in addition to those specified in paragraph 15) —
- (a) for wall-mounted installations —
 - (i) the charging unit must not have a volume exceeding 0.2 cubic metres; and
 - (ii) if within 2 metres of a highway, the charging unit must not be mounted on a wall that faces onto that highway.
 - (b) for upstanding installations —
 - (i) the highest point of the charging unit must not exceed 1.6 metres from the level of the surface used for the parking of vehicles;
 - (ii) no part of the charging unit may be nearer to any highway which bounds the curtilage of the dwellinghouse than the nearer of —
 - (A) that part of the dwellinghouse nearest to that highway; or
 - (B) 20 metres;
 - (iii) no part of the charging unit may be within 2 metres of a highway; and
 - (iv) the installation of the charging unit must not result in more than one upstand being provided for each parking space.

19 Class 14B Porches

- (1) The installation, alteration or replacement of a porch on a dwellinghouse.
This is subject to the conditions in paragraph (2).
- (2) Those conditions are (in addition to those specified in paragraph 15) —
- (a) the area of ground covered by the porch must not exceed 3 square metres in total;
 - (b) no part of the porch may be within 3 metres of a highway;

- (c) the height of the porch must not exceed —
 - (i) 3.5 metres above ground level where this includes a dual pitched roof; or
 - (ii) 3 metres above ground level in any other case;
- (d) the external finish of any walling or pitched roof must match that of the majority of the rest of the dwellinghouse;
- (e) the dwellinghouse must not have more than 1 porch;
- (f) the porch must not be nearer than 1 metre to the boundary of the curtilage of the dwellinghouse;
- (g) no part of the development may be situated closer to a tree (other than a tree referred to in section 3(3) of the Tree Preservation Act 1993) than the required distance.

20 Class 14C Roof extensions (Dormers)

- (1) The addition or alteration of a dormer on the roof of a dwellinghouse. This is subject to the conditions in paragraph (2).
- (2) Those conditions are (in addition to those specified in paragraph 15) —
 - (a) the addition or alteration must not be located on the principal elevation or side elevation where that elevation fronts onto a highway;
 - (b) the boundary of the curtilage that the addition or alteration face must be at least 10 metres away;
 - (c) the height of the addition or alteration must not be higher than 0.3 metres below the height of the existing dwellinghouse, but this does not include the height of any chimneys on the existing dwellinghouse;
 - (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;
 - (e) the addition or alteration must not result in more than 50% of any roof plane of the existing dwellinghouse being covered by dormers;
 - (f) no addition or alteration would consist of or include any of the following, unless they would be allowed under another class of this Order —
 - (i) the construction or provision of a deck, balcony, veranda or other raised platform;
 - (ii) the provision of a basement;
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;
 - (iv) the installation, alteration or replacement of a microwave antenna;

- (g) any window inserted in a wall or roof slope forming a side or rear elevation and being within 15 metres of the curtilage of a relevant neighbouring dwelling must be —
 - (i) obscure glazed; and
 - (ii) non-opening, unless the parts of the window which can be opened are 1.7 metres or more above the floor of the room in which the window is installed;
- (h) the addition or alteration must not result in dormers being present on more than one roof plane of the existing dwellinghouse.

21 Class 15 Garden sheds, summer-houses and pergolas

- (1) The erection of one or more garden sheds, summer-houses or pergolas within the curtilage of a dwellinghouse.
This is subject to the conditions in paragraph (2).
- (2) Those conditions are (in addition to those specified in paragraph 15) —
 - (a) the height of the garden shed, summer-house or pergolas must not exceed 2.8 metres above ground level;
 - (b) the area of ground covered by the garden shed, summer-house or pergolas must not cumulatively exceed 15 square metres in total; and
 - (c) no part of the garden shed, summer-house or pergolas may be nearer to any highway which bounds the curtilage of the dwellinghouse than the nearer of —
 - (i) that part of the dwellinghouse nearest to that highway, or
 - (ii) 20 metres.

22 Class 16 Fences, walls and gates

- (1) The erection, construction, replacement or alteration of fences, walls or gates within, or on the boundary of, the curtilage of a dwellinghouse.
- (2) Those conditions are (in addition to those specified in paragraph 15) —
 - (a) in the case of the erection or construction of a new fence, wall or gate, the height measured from ground level must not exceed —
 - (i) 1 metre if positioned nearer than the dwellinghouse to any highway which bounds the curtilage; or
 - (ii) 2 metres in any other case;
 - (b) in the case of the alteration or replacement of an existing fence, wall or gate, the height as measured from ground level of the altered or replaced fence, wall or gate must not exceed the greater of —
 - (i) the height of the fence, wall or gate before its alteration or replacement, or

- (ii) the height specified in paragraph (b)(i) or (b)(ii), as the case may be;
- (c) any fence which is nearer to any highway than the dwellinghouse must be constructed of vertical posts with spaces between, and not be of a solid construction.
- (d) any wall must be constructed of stone traditionally laid, or facing brickwork or rendered brickwork or rendered blockwork all with a coping at least 50 mm deep;
- (e) any wall must not be constructed closer to a tree (other than a tree referred to in section 3(3) of the Tree Preservation Act 1993) than the required distance stated in article 4(6); and
- (f) no gates may open out over the highway or any footpath.

23 Class 17 Private garages and car ports

- (1) The erection of a private garage or car port within the curtilage of a dwellinghouse.
This is subject to the conditions in paragraph (2).
- (2) Those conditions are (in addition to those specified in paragraph 15 —
 - (a) there must only be one private garage or car port within the curtilage of the dwellinghouse, including where a garage has been converted into living accommodation;
 - (b) the eaves level must be no higher than 2.9 metres;
 - (c) the roof pitch must match that of the main dwellinghouse;
 - (d) the maximum width must not exceed 6.8 metres;
 - (e) the maximum length must not exceed 6.8 metres;
 - (f) no part of the garage or car port may project beyond the forward most part of the dwelling which fronts onto a highway;
 - (g) every part of the garage or car port must be a minimum of 6 metres from a highway including a rear or side lane;
 - (h) no part of the garage or car port may be within 1 metre of the boundary of the dwellinghouse;
 - (i) if detached, the garage or car port must not be used for general living or sleeping purposes;
 - (j) no part of the development may be situated closer to a tree (other than a tree referred to in section 3(3) of the Tree Preservation Act 1993) than the required distance;
 - (k) the external finish of any walling or pitched roof must match that of the majority of the rest of the dwellinghouse.

24 Class 18 Domestic fuel storage tanks

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

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

- (2) Those conditions are (in addition to those specified in paragraph 15) that —
- (a) no part of the tank may be more than 2 metres above ground level;
 - (b) no part of the tank may be nearer to any highway which bounds the curtilage of the dwellinghouse than —
 - (i) that part of the dwellinghouse nearest to that highway, or
 - (ii) 20 metres, whichever is the nearer;
 - (c) no part of the development may be situated closer to a tree (other than a tree referred to in section 3(3) of the Tree Preservation Act 1993) than the required distance;
 - (d) no more than 1 oil or gas tank may be installed on the property.

25 Class 19 Replacement of waste water treatment system

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

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

- (2) The conditions is (in addition to those specified in paragraph 15) that no part of the development may be situated closer to a tree (other than a tree referred to in section 3(3) of the Tree Preservation Act 1993) than the required distance.

26 Class 20 Erection of a flagpole

- (1) The erection of a flagpole within the curtilage of a dwellinghouse.

- (2) Those conditions are (in addition to those specified in paragraph 15) —
- (a) no more than 1 flagpole is allowed;
 - (b) the height of the flagpole must not exceed 5 metres above ground level; and
 - (c) the flagpole must not be used for the display of any advertisement.

27 Class 21 Construction of decking and patios

- (1) The construction of decking and patios within the curtilage of a dwellinghouse.

This is subject to the conditions in paragraph (2)

- (2) Those conditions are (in addition to those specified in paragraph 15) –
- (a) no part of the top surface of the decking or patio may be more than 0.5 metres above the ground level as existed before the development;
 - (b) no part of the decking or patio may be nearer to any highway which bounds the curtilage of the dwellinghouse than that part of the dwellinghouse nearest to that highway; and
 - (c) the decking or patio may include the provision of perimeter fencing or railings where these do not exceed a height of 2.5 metres above ground level before the development.

28 Class 21A Chimney, flue, vent or soil and vent pipe

- (1) The installation, alteration or replacement of a chimney, flue, vent or soil and vent pipe on a dwellinghouse.
This is subject to the conditions in paragraph (2).
- (2) Those conditions are (in addition to those specified in paragraph 15) –
- (a) works carried out under this class is not permitted to any elevation which faces a road;
 - (b) the height of the chimney, flue, vent or soil and vent pipe must not exceed the highest part of the roof it is situated on by 1 metre or more;
 - (c) a vent installed on a wall must not –
 - (i) protrude by more than 30 centimetres horizontally from the wall; or
 - (ii) be greater than 30 centimetres in diameter;
 - (d) any works carried out under this class must be coloured either black or to match the colour of the majority of the existing dwellinghouse.

29 Class 22 Solar Panels (Stand alone)

- (1) The installation, alteration or replacement of stand-alone solar panels (or photovoltaic or solar thermal equipment) within the curtilage of a dwellinghouse.
This is subject to the conditions in paragraph (2).
- (2) Those conditions are (in addition to those specified in paragraph 15) –
- (a) no more than 2 solar panels may be installed within the curtilage of a dwellinghouse;
 - (b) no part of a panel or associated structure may be –
 - (i) higher than 2 metres above ground level; or

- (ii) in the case of a dwellinghouse which has a highway on the bounds of its curtilage, nearer than whichever of the following is nearest to that highway —
 - (A) any part of the dwellinghouse; or
 - (B) 20 metres;
- (c) no part of the development may be situated closer to a tree (other than a tree referred to in section 3(3) of the Tree Preservation Act 1993) than the required distance.

30 Class 23 Heat Pumps

- (1) The installation, alteration or replacement of a ground or water source heat pump and any associated underground pipework within the curtilage of a dwellinghouse, including the sinking of boreholes and the installation of any plant or machine reasonably necessary in connection with such boreholes.
This is subject to the conditions in paragraph (2).
- (2) Those conditions (in addition to those specified in paragraph 15) are that —
 - (a) no more than 2 pumps may be installed on the property;
 - (b) no part of the development may be situated closer to a tree (other than a tree referred to in section 3(3) of the Tree Preservation Act 1993) than the required distance.

31 Class 23A Air source heat pumps

- (1) The installation, alteration or replacement of an air source heat pump and any associated underground pipework within the curtilage of a dwellinghouse.
This is subject to the condition in paragraph (2).
- (2) Those conditions are (in addition to those specified in paragraph 15) —
 - (a) no part of a pump may be nearer than 1 metre to the boundary of the curtilage of the dwellinghouse, where the boundary is with a relevant neighbouring building;
 - (b) no part of a pump may be nearer to any highway which bounds the curtilage of the dwellinghouse than the nearer of —
 - (i) that part of the dwellinghouse nearest to that highway; or
 - (ii) 20 metres;
 - (c) no part of a pump may be installed on any part of a wall that fronts a highway;
 - (d) no more than 2 pumps may be installed on the property;

- (e) the volume of each pump's outdoor compressor unit (including housing) must not exceed 1 cubic metre;
 - (f) the pumps together must not result in a noise that exceed 42 dB LAeq 5 mins;
 - (g) a pump's specification must be displayed externally on the pump's outdoor compressor unit;
 - (h) the lowest part of a pump's outdoor compressor unit must not be more than 1 metre above ground level;
 - (i) a pump must be used only for heating purposes;
 - (j) a pump must be removed as soon as practicable after it is no longer required for heating purposes;
 - (k) a pump must be installed, operated and maintained in accordance with the manufacturer's specification; and
 - (l) no part of the development may be situated closer to a tree (other than a tree referred to in section 3(3) of the Tree Preservation Act 1993) than the required distance.
- (3) For the purposes of this class —
- (a) "**LAeq 5 mins**" means the A-weighted equivalent continuous sound pressure level over 5 minutes when measured at 1 metre external to the centre point of any relevant door or window to any neighbouring building as measured perpendicular to the plane of that relevant door or window;
 - (c) "**non-habitable room**" means bathroom, utility room, hallway, corridor, stair, landing, garage, porch, and storage;
 - (d) "**relevant door or window**" means a door or window other than a door or window to a non-habitable room, garage, greenhouse, poly tunnel, shed or summerhouse; and
 - (f) "**ground level**" means the level of the ground measured directly adjacent to the pump's outdoor compressor unit and, where the ground is sloping, it is the highest part of the ground next to the unit.

32 Class 24 Installation of replacement windows and doors

- (1) The installation of a window or an external door in an existing aperture in a dwellinghouse.
- This is subject to the conditions in paragraph (2).
- (2) Those conditions are —
- (a) no alteration may be made in the size, shape or position of the aperture, unless that aperture is on the ground floor and in a wall which is not —
 - (i) an elevation which fronts onto a highway; or

- (ii) a side elevation;
- (b) no windows or doors may open over any part of the highway or boundary of the dwellinghouse.

33 Class 24A Replacement of conservatory roofs

- (1) The installation of a replacement conservatory roof of a dwellinghouse.
This is subject to the conditions in paragraph (2).
- (2) Those conditions are —
 - (a) no part of the replacement roof may be more than 200mm higher than the roof that it is replacing when measured parallel with the external surface of the original plane of the roof slope as originally constructed;
 - (b) no part of the replacement roof may overhang more than 200mm further than the roof that it is replacing; and
 - (c) the tiling or roofing of the replacement must match, or be similar to, the roof of the main dwelling.

34 Class 25 Installation of or removal of Patio doors

- (1) Works consisting of the installation or removal of patio doors or their replacement with a window within a dwellinghouse.
This is subject to the conditions in paragraph (2).
- (2) Those conditions are —
 - (a) no works may be undertaken on an elevation which fronts onto a highway;
 - (b) no works may be undertaken other than at a ground floor level;
 - (c) any new door aperture must be no wider than 5 metres;
 - (d) no works may be undertaken on a side elevation.
- (3) For the purpose of this class “**patio doors**” includes French windows, bi-folding doors and sliding doors.

35 Class 26 Garage doors

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

This is subject to the conditions in paragraph (3).

- (2) Where a garage door has been replaced by a window the internal garage space may then be used as part of the main dwelling to which the garage is attached.
- (3) Those conditions are —
- (a) the garage must be either an integral garage or an attached garage (i.e. not detached from the dwellinghouse);
 - (b) where a garage door is replaced with a window, the proportions of the window must replicate the proportions of the windows on the ground floor of the same elevation of the door to be replaced;
 - (c) where a window and any brickwork installed alongside that window is replaced by a garage door, the maximum width of the garage door must be no bigger than the garage door that was previously in place;
 - (c) where —
 - (i) a garage door (“the former garage door”) has been replaced by a window; and
 - (ii) that replacement window and any brickwork installed alongside it is subsequently replaced by a garage door (“the replacement garage door”),the maximum width of the replacement garage door must be no greater than that of the former garage door;
 - (d) development within this class is allowed only if, on completion of the development, at least 2 car parking spaces remain within the curtilage of the dwellinghouse;
 - (e) the external finish of any walling must match that on the major part of the dwellinghouse.
- (4) For the purpose of paragraph (4)(d) the minimum size permitted for a car parking space is 6 metres by 3.25 metres.
- (5) For the purpose of this Class, the internal space of an integral or attached garage may be used as part of the main dwelling to which the garage is attached. This does not constitute development.

36 Class 27 Satellite dishes

- (1) The installation, alteration or replacement of a satellite dish on, or within a curtilage of a dwellinghouse.
- This is subject to the conditions in paragraph (2).
- (2) Those conditions are —
- (a) there may be no more than one satellite dish within the curtilage of the dwellinghouse;
 - (b) no lettering, logo or other advertisement may be displayed on the satellite dish;

- (c) the satellite dish must be no greater than 60cm in diameter.

37 Class 28 Roof-lights

- (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.

38 Class 28A Repair, alteration or replacement

The repair, alteration or replacement of a building or other structure within the curtilage of a dwellinghouse, which itself is not the dwellinghouse, where the final resulting building or other structure would be allowed under a separate provision of this Order.

39 Class 29 rebuilding

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

- (a) which results in a new building or other structure which accords with the original planning application drawings;
- (b) where no conditions other than the time for commencement were attached to the original approval.

PART 3—AVIATION DEVELOPMENT

40 Class 30 Development at an airport

- (1) The carrying out of development on airport land by the airport operator or its agent (including the erection or alteration of an airport building) in connection with the provision of services and facilities at the Airport.
This is subject to the conditions in paragraph (2).
- (2) Those conditions are that the development must not consist of or include —
 - (a) the construction or extension of a runway;
 - (b) the construction of a passenger terminal the floor space of which would exceed 500 square metres;
 - (c) the extension or alteration of a passenger terminal, where the floor space of the building as existing on the coming into operation of

this Order or, if built thereafter, of the building as built, would be exceeded by more than 15%;

- (d) the erection of a building other than an airport building;
 - (e) the alteration or reconstruction of a building other than an airport building, where its design or external appearance would be materially affected.
- (3) For the purposes of paragraph (2)(c), floor space is calculated by external measurement and without taking account of the floor space in any pier or satellite.

41 Class 31 Air navigation development at airport

The carrying out on airport land within the perimeter of the Airport by the airport operator or its agent of development in connection with —

- (a) the provision of air traffic control services,
- (b) the navigation of aircraft using the Airport, or
- (c) the monitoring of the movement of aircraft using the Airport.

42 Class 32 Air navigation development near airport

- (1) The carrying out on airport land outside but within 1 kilometre of the perimeter of the Airport, by the airport operator or its agent, of development in connection with —
- (a) the provision of air traffic control services;
 - (b) the navigation of aircraft using the Airport; or
 - (c) the monitoring of the movement of aircraft using the Airport.

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

- (2) Those conditions are that —
- (a) any building erected must not be used for a purpose other than housing equipment used in connection with the provision of air traffic control services, with assisting the navigation of aircraft, or with monitoring the movement of aircraft using the Airport;
 - (b) any building erected must not exceed 4 metres in height;
 - (c) the height of any radar or radio mast, antenna or other apparatus must not exceed —
 - (i) 15 metres in the case of a new installation; or
 - (ii) the height of any existing mast, antenna or apparatus in the case that they are being replaced.

43 Class 33 Stationing of moveable apparatus in an emergency

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

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

- (2) The condition is that the use must cease within 6 months of its beginning, and any apparatus must be removed, and the land must be restored to its condition before the development took place.

44 Class 34 Use of airport buildings

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

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

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

PART 4—MISCELLANEOUS DEVELOPMENT**46 Class 36 Demolition of part of building**

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

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

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

47 Class 37 Satellite dish

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

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

- (2) Those conditions are that —

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

48 Class 38 Installation of replacement windows and doors

- (1) The installation of a window or an external door in an existing aperture in a building other than a dwellinghouse.
This is subject to the conditions in paragraph (2).
- (2) Those conditions are —
 - (a) there must already be an existing window or door in place where the proposed development is to take place;
 - (b) no alteration may be made in the size, shape or position of the aperture, unless that aperture is on the ground floor of a wall which is not —
 - (i) an elevation which fronts onto a highway; or
 - (ii) a side elevation;
 - (c) no windows or doors may open over any part of the highway or boundary of the building.

49 Class 39 Fences, walls and gates outside a curtilage

- (1) The erection, construction, replacement or alteration of fences, walls or gates elsewhere than within, or on the boundary of, the curtilage of a dwellinghouse.
This is subject to the conditions in paragraph (2).
- (2) Those conditions are that —
 - (a) in the case of the erection or construction of a new fence, wall or gate the height as measured from ground level must not exceed —
 - (i) 1 metre, where the fence, wall or gate is adjacent to a highway; and
 - (ii) 2 metres, in any other case;
 - (b) in the case of the alteration or replacement of an existing fence, wall or gate, the height as measured from ground level must not exceed the greater of —
 - (i) the height of the fence, wall or gate before its alteration or replacement; or

- (ii) the height specified in sub-paragraph (a)(i) or (a)(ii), as the case may be;
- (c) any wall must not be constructed closer to a tree (other than a tree referred to in section 3(3) of the Tree Preservation Act 1993) than the required distance;
- (d) no gates may open out over the highway or any footpath.
- (e) no part of the development may be constructed within 9 metres (measured at ground level) of the route of any overhead electrical line carrying 11kv or more (high tension power cable);
- (f) no part of the development may be constructed within 9.1 metres of the bank of any designated watercourse under the Flood Risk Management Act 2013;
- (g) in the case that the main building within the curtilage falls within Part 3 of the 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;
- (h) in the case that the main building within the curtilage falls within Part 3 of the Uses Class Order, then any wall must be constructed with coping at least 50mm deep, and must be constructed of —
 - (i) stone traditionally laid;
 - (ii) facing brickwork; or
 - (iii) rendered blockwork.

50 Class 40 Forestry development

- (1) The carrying out on land used for the purpose of forestry of development reasonably necessary for that purpose and consisting of —
 - (a) the formation, alteration or maintenance of a private roadway, or
 - (b) the getting of materials required for the formation, alteration or maintenance of a private roadway.

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.

51 Class 41 Closed-circuit television cameras

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

52 Class 42 Solar Panels (Roof mounted)

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

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

- (2) Those conditions are that the solar photovoltaic or solar thermal equipment –
 - (a) must not extend more than 200mm beyond the plane of the roof slope;
 - (b) must not be higher than the highest part of the roof excluding any chimney; or
 - (c) must not be situated on a horizontal roof;
 - (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.

53 Class 43 School cycle shelters

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

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

- (2) Those conditions are that the cycle shelter must not –
 - (a) exceed 2.5 metres in height above ground level;
 - (b) have a footprint that exceeds 30 square metres or, if more than one cycle shelter is present within the curtilage of a school, result in a cumulative shelter footprint that exceeds 30 square metres;
 - (c) be constructed on any land that has been used as a playing field at any time during the 5 years prior to the start of construction;
 - (d) be constructed within 5 metres of the boundary of the school's curtilage;
 - (e) be situated closer to a tree (other than a tree referred to in section 3(3) of the Tree Preservation Act 1993) than the required distance.

54 Class 44 Replacement roofs

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

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

- (2) Those conditions are that –
 - (a) the tiling or roofing of the replacement must be of similar materials and colour to those used in the construction of the roof being replaced;
 - (b) no part of the replacement roof may, as a result of the works, exceed the height of the highest part of, or be lower than the lowest part of, the roof being replaced;

- (c) no part of the replacement roof may, as a result of the works, extend more than 200mm than the plane of the roof being replaced, as originally built;
- (d) the building must not be attached to another building;
- (e) no part of the building was built before 1920;
- (f) the replacement roof must be the same pitch as the roof being replaced.

DRAFT

SCHEDULE 2

Article 4(2)

DEVELOPMENT WITHIN CONSERVATION AREAS**PART 1—DEVELOPMENT WITHIN CONSERVATION AREAS****1 Class 1 Repairs to services**

- (1) Development consisting of any works for the purposes of inspecting, repairing or renewing any sewer, main, pipe, cable or other apparatus, including breaking open any highway, road or other land for that purpose. This is subject to the conditions in paragraph (2).
- (2) Those conditions are —
 - (a) the land must be reinstated to its condition before the commencement of the development;
 - (b) where traditional materials such as stone setts, cobbles, flags or kerbstones are disturbed, they must be carefully set aside, stored and replaced on completion of the development.

2 Class 2 Highway works

- (1) Development by or on behalf of the Department of Infrastructure within an existing highway consisting of —
 - (a) works required for or incidental to the maintenance of the highway. This is subject to the condition in paragraph (2);
 - (b) the erection, maintenance, improvement or other alteration of traffic signs (within the meaning of section 15(1) of the Road Traffic Regulation Act 1985);
 - (c) development within sub-paragraphs (a) and (b) which could be considered an upgrade or improvement to standards or technology and which has a similar or smaller footprint to the existing development;
 - (d) the provision of dropped kerbs, tactile type and corduroy type paving on existing cycle-paths, cycle tracks, footpaths and footways specified in the Highways Act 1986; and
 - (e) the provision of kassel type and non-standard height kerbing at bus stops or to control motorised and non-motorised traffic.
- (2) The condition referred to in paragraph (1)(a) is that where traditional materials such as stone setts, cobbles, flags or kerbstones are disturbed, they must be carefully set aside, stored and replaced on completion of the development.

3 Class 3 Sewerage and sewage disposal

- (1) Development by or on behalf of a sewerage authority consisting of –
 - (a) development not above ground level required in connection with the provision, improvement, maintenance or repair of a sewer, outfall pipe, sludge main or associated apparatus.
This is subject to the conditions in paragraph (2);
 - (b) the provision of plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation.
This is subject to the condition in paragraph (3);
 - (c) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel.
- (2) The conditions referred to in paragraph (1)(a) are that –
 - (a) on completion of the development, the land must be reinstated to its condition before the commencement of the development;
 - (b) where traditional materials such as stone setts, cobbles, flags or kerbstones are disturbed, they must be carefully set aside, stored and replaced on completion of the development;
- (3) The condition referred to in paragraph (1)(b) is that on the earlier of –
 - (a) completion of the survey or investigation; and
 - (b) the expiry of 12 months beginning with the commencement of the development,development must cease and all such buildings, plants or apparatus must be removed and the land restored as soon as reasonably practicable to its condition before the development took place.

4 Class 4 Water supply

- (1) Development by or on behalf of Manx Utilities Authority for the purpose of its functions consisting of –
 - (a) development not above ground level required in connection with the provision, improvement, maintenance or repair of a main, pipe or other apparatus.
This is subject to the conditions in paragraph (2);
 - (b) the provision of plant, machinery or apparatus in, on, over or under land for the purposes of survey or investigation.
This is subject to the condition in paragraph (3);
 - (c) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;
 - (d) any works authorised or required in connection with an order made under section 5 of the Water Act 1991.
- (2) The conditions referred to in paragraph (1)(a) are that –

- (a) on completion of the development, the land must be reinstated to its condition before the commencement of the development;
 - (b) where traditional materials such as stone setts, cobbles, flags or kerbstones are disturbed, they must be carefully set aside, stored and replaced on completion of the development;
- (3) The condition referred to in paragraph (1)(b) is that on the earlier of —
- (a) completion of the survey or investigation; and
 - (b) the expiry of 12 months beginning with the commencement of the development,
- development must cease and all such buildings, plants or apparatus must be removed and the land restored as soon as reasonably practicable to its condition before the development took place.

5 Class 5 Railway works

- (1) Development by the Department of Infrastructure on land within the site of an existing railway line consisting of works required in connection with the movement of traffic by rail.
- This is subject to the condition in paragraph (2).
- (2) The condition is that the development must not consist of or include the construction, erection or alteration of a building or other structure (other than a signal post).

6 Class 6 Tramway works

Development for the purposes of any tramway works consisting of —

- (a) the installation, maintenance, improvement, removal or other alteration of tramway tracks, and conduits, drains and pipes in connection with such tracks for the working of tramways;
- (b) the installation, maintenance, improvement, removal or other alteration of telephone cables and apparatus, stop posts and signs required in connection with the operation of tramcars;
- (c) the erection or construction and the maintenance, improvement or other alteration of barriers for the control of people waiting to enter tramcars.

7 Class 7 Gas supply

- (1) Development by or on behalf of a public gas supplier required for the purposes of its undertaking consisting of development not above ground level required in connection with the provision, improvement, maintenance or repair of mains, pipes or other apparatus.
- This is subject to the conditions in paragraph (2).

- (2) Those conditions are that —
- (a) on completion of the development, the land must be reinstated to its condition before the commencement of the development;
 - (b) where traditional materials such as stone setts, cobbles, flags or kerbstones are disturbed, they must be carefully set aside, stored and replaced on completion of the development.

8 Class 8 Electricity supply

- (1) Development by or on behalf of the Manx Utilities Authority for the generation, transmission or supply of electricity for the purposes of its undertaking, consisting of —
- (a) the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or transforming or switching stations or chambers reasonably necessary in connection with an electric line.
This —
 - (i) includes a development consisting of the replacement of a support where the height of the new support does not exceed that of the existing support; and
 - (ii) is subject to the conditions in paragraph (2);
 - (b) the installation or replacement of any telecommunications line which connects any part of an electric line to any electrical plant or building, and the installation or replacement of any support for any such line;
This —
 - (i) includes a development consisting of the replacement of a support where the height of the new support does not exceed that of that existing support; and
 - (i) is subject to the conditions in paragraph (3);
 - (c) the sinking of boreholes to ascertain the nature of the subsoil and the installation of any plant or machinery reasonably necessary in connection with such boreholes.
This is subject to the condition in paragraph (4).
- (2) The conditions referred to in paragraph (1)(a) are that —
- (a) the development must not consist of or include the installation of an electric line, telecommunications line or other plant or apparatus above ground level;
 - (b) the development must not consist of or include the installation, at or above ground level or under a highway used by vehicular traffic, of a chamber for housing apparatus;

- (c) on completion of the development, the land must be reinstated to its conditions before the development took place;
 - (d) where traditional materials such as stone setts, cobbles, flags or kerbstones are disturbed, they must be carefully set aside, stored and replaced on completion of the development;
 - (e) in the case of development consisting of or including the replacement of an existing electric line, any conditions contained in a planning approval relating to the height, design or position of the existing electric line which are capable of being applied to the replacement line;
 - (f) In the case of development consisting of or including the installation of a temporary electric line providing a diversion for an existing electric line, on the ending of the diversion or at the end of a period of 12 months from the completion of the installation, whichever is the sooner, the temporary electric line must be removed and the land on which any development has been carried out to install that line must be restored as soon as reasonably practicable to its condition before the development took place.
- (3) The conditions referred to in paragraph (1)(b) are that –
- (a) the development must not consist of or include the installation of an electric line, telecommunications line or other plant or apparatus above ground level;
 - (b) the development must not consist of or include the installation, at or above ground level or under a highway used by vehicular traffic, of a chamber for housing apparatus;
 - (c) on completion of the development, the land must be reinstated to its conditions before the development took place;
 - (d) where traditional materials such as stone setts, cobbles, flags or kerbstones are disturbed, they must be carefully set aside, stored and replaced on completion of the development.
- (4) The condition referred to in paragraph (1)(c) is that on the earlier of –
- (a) completion of the development; and
 - (b) at the end of a period of 12 months from the beginning of the development, whichever is the sooner,
- any such plant or machinery must be removed and the land must be restored as soon as reasonably practicable to its condition before the development took place.
- (5) Expressions used in this Class have the same meanings as in Class 10 (paragraph 10) of Schedule 1.

PART 2—EXTENSION OF CLASSES TO CONSERVATION AREAS

9 Part 2 of Schedule 1 extensions

- (1) In the case of works within a conservation area, the following classes of Schedule 1 apply, subject to the conditions specified in this paragraph, in addition to the conditions specified in each respective class —
- (a) Class 13 Greenhouses and polytunnels (paragraph 16);
 - (b) Class 14 Extension of dwellinghouse (paragraph 17);
 - (c) Class 14A Domestic electric vehicle charging points (paragraph 18);
 - (d) Class 15 Garden sheds and summer-houses (paragraph 21);
 - (e) Class 18 Domestic fuel storage tanks (paragraph 24);
 - (f) Class 19 Replacement of waste water treatment system (paragraph 25);
 - (g) Class 21 Construction of decking (paragraph 27);
 - (h) Class 22 Solar Panels (Stand alone) (paragraph 29);
 - (i) Class 23 Heat Pumps (paragraph 30);
 - (j) Class 23A Air source heat pumps (paragraph 31);
 - (k) Class 24 Installation of replacement windows and doors (paragraph 32);
 - (l) Class 24A Replacement of conservatory roofs (paragraph 33);
 - (m) Class 25 Installation of or removal of Patio doors (paragraph 34);
 - (n) Class 28 Roof-lights (paragraph 37);
 - (o) Class 28A Repair, alteration or replacement (paragraph 38);
 - (p) Class 29 Rebuilding (paragraph 39);
 - (q) Class 38 Installation of replacement windows (paragraph 48);
 - (r) Class 41 Closed circuit television cameras (paragraph 51);
 - (s) Class 42 Solar panels (roof mounted) (paragraph 52).

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

- (2) Those conditions are —
- (a) the development may only take place at the rear elevation of the property or in the case of a dwellinghouse, in a rear garden, but this condition does not apply in the case of Class 24 (installation of replacement windows and doors) or Class 38 (installation of replacement windows);
 - (b) in the case of alterations or extensions of a dwellinghouse, the Class will apply only to development that is taking place at the ground level of the dwellinghouse, but this condition does not apply in the

- case of Class 24 (installation of replacement windows and doors) and Class 28 (roof lights);
- (c) in the case of Class 14 (extension of dwellinghouse), the extension cannot consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles; or result in the enlarged part of the dwellinghouse extending beyond a wall forming the principal or a side elevation of the original dwellinghouse;
- (d) in the case of Class 24 (installation of replacement windows and doors) and Class 38 (installation of replacement windows) —
- (i) any replacement window must match the colour, proportion, opening method and pattern and section of glazing bars of the existing windows being replaced, unless the window being replaced has been unlawfully installed;
- (ii) in the case that the existing window has glazing bars which are applied externally, the window being replaced must also have externally applied glazing bars, unless the window being replaced has been unlawfully installed;
- (iii) in the case that the existing window has been unlawfully installed, the conditions specified in subparagraphs (i) and (ii) apply, except that references to the “existing window” shall instead be read as a reference to “the window that was most recently and lawfully installed in the building”; (iv) any replacement door must match the colour, glazing and panel layout of the existing door being replaced;
- (e) in the case of Class 41 (closed circuit television cameras) and Class 42 (solar panels (roof mounted)), the development must not be visible from any highway or other public place which bounds the curtilage of the building.
- (3) For the purposes of paragraph (2)(a), a “**rear garden**” means a garden that is on the opposite side of the dwellinghouse to the principal elevation, but does not include cases where there is a highway closer to that garden than any part of the existing dwellinghouse.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants planning approval for classes of development, subject to exceptions and conditions specified in the Schedules (article 4). They comprise—

- (a) development on land outside conservation areas, specified in Schedule 1. Development carried out by or on behalf of public bodies and others in connection with statutory undertakings (Part 1), small buildings and minor works operations within the curtilage of a dwellinghouse (Part 2), aviation operations, (Part 3) and miscellaneous operations (Part 4); and
- (b) operations on land within a conservation areas, specified in Schedule 2.

This Order replaces the Town and Country Planning (Permitted Development) Order 2012.

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