

Statutory Document No. 20XX/XXXX

# C

*Town and Country Planning Act 1999*

## **TOWN AND COUNTRY PLANNING (CHANGE OF USE) (DEVELOPMENT) (NO.2) (AMENDMENT) ORDER 2024**

*Approved by Tynwald:*

*Coming into Operation:*

The Cabinet Office, having consulted the Department of Environment, Food and Agriculture<sup>1</sup>, makes the following Order under section 8(1), (2), (3) and (4) of the Town and Country Planning Act 1999.

### **1 Title**

This Order is the Town and Country Planning (Change of Use) (Development) (No.2) (Amendment) Order 2024.

### **2 Commencement**

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

### **3 Town and Country Planning (Change of Use) (Development) (No.2) Order 2019 amended**

- (1) The Town and Country Planning (Change of Use) (Development) (No.2) Order 2019<sup>3</sup> is amended as follows.
- (2) In article 3, after the definition of “childminder”, insert —  
| «“**dwellinghouse**” means a building occupied for residential purposes  
| other than a building containing one or more flats, or a flat  
| contained within such a building;».
- (3) In Schedule 1 —

<sup>1</sup> As required by section 43A of the Act.

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

<sup>3</sup> SD 2019/0459.

- (a) in Table 1, for the words in column 2 relating to the entry in column 1 relating to Class 1 (Class 1—change of use to shops, financial and services or food and drink), substitute —

«1. No customer shall be permitted to remain within the relevant building or land between the hours of 2100 and 0700.

2. There must be sufficient provision of bins and containers for recyclable material for the needs of the new building use.»;

- (b) in Table 2, for the entry relating to Class 3 (Class 3—guest houses and taking in guests), substitute —

«

|   |  |
|---|--|
| <p>1. The change of use from a use falling within class 3.1 (Hotels and guest house) or 3.5 (Houses in multiple occupation) to—</p> <p>(a) 3.3 (Dwellinghouses);</p> <p>(b) combined use as 3.1 and 3.3; or</p> <p>(c) 3.6 (self contained self catering tourist units).</p> <p>2. The change of use from a use falling within class 3.3 to —</p> <p>(a) combined use as 3.1 and 3.3; or</p> <p>(b) 3.6.</p> <p>3. The change of use from a use falling within class 3.6 to —</p> <p>(a) 3.3; or</p> <p>(b) combined use as 3.1 and 3.3.</p> <p>4. The change of use from a combined use as class 3.1 and 3.3 to —</p> <p>(a) 3.3; or</p> <p>(b) 3.6.</p> | <p>Any change to use class 3.3 or combined use as 3.1 and 3.3 is not permitted if—</p> <p>(a) 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;</p> <p>(b) (in the case of a combined used as 3.1 and 3.3) more than 3 bedrooms in the building may be used by guests.</p> |
|---|--|

»; and

- (c) in Table 2, for the entry in column 1 relating to a Class 4 development (Class 4—Use of two or more dwellinghouses as a single dwellinghouse), substitute —

«**Class 4—Combination of dwellinghouses and flats**

The change of use of a building from use as —

- (a) 2 or more dwellinghouses (Class 3.3) to use as a single dwellinghouse; and
- (b) 2 or more flats (Class 3.4) into a single –
  - (i) flat; or
  - (ii) dwellinghouse.».

**4 Effect on planning applications made before the commencement of this Order**

Any planning application received by the Department of Environment, Food and Agriculture before this Order comes into operation is to be determined as if this Order had not been made.

DRAFT

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

This Order amends the Town and Country Planning (Change of Use) (Development) (No.2) Order 2019 (the 2019 Order).

The changes are as follows:

- Changes have been made to the conditions which apply to Class 1 (change of use to shops, financial and services or food and drink).
- Allow for changes between self-contained tourist units and residential units.
- Expands the conversions permitted under Class 3 (guest houses and taking in guests).
- Allow for the conversion of two dwellings into a combined dwelling (e.g. merging of flats).