

Statutory Document No. 2019/0459

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Town and Country Planning Act 1999

TOWN AND COUNTRY PLANNING (CHANGE OF USE) (DEVELOPMENT) (NO. 2) ORDER 2019

Approved by Tynwald: 19 November 2019
Coming into Operation: in accordance with article 2

The Cabinet Office 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) Order 2019.

2 Commencement

If approved by Tynwald¹, this Order comes into operation —

- (a) for the purposes of articles 1, 2, 3 and 7, on the 31 December 2019; and
- (b) for all other purposes, immediately following the coming into operation of the Town and Country Planning (Use Classes) Order 2019².

3 Interpretation

(1) In this Order —

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

“**childminder**” means a person acting as a childminder within the meaning of section 21(3) of the Regulation of Care Act 2013;

“**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;

“**highway**” means a highway maintainable at the public expense within the meaning of section 3 of the Highways Act 1986 (or as subsequently amended or replaced) and any part of such a highway;

² SD 2019/0392.

“**primary window**” means a main window serving —

- (a) a living room;
- (b) a dining room; or
- (c) a kitchen that includes dining facilities; and²

“**specified land**” means the areas of land shown edged red in the maps set out in Schedule 2 to this Order³.

- (2) In this Order a reference to a numbered use class is to the class bearing that number as prescribed in the Schedule to the Town and Country Planning (Use Classes) Order 2019⁴.

4 Planning approval for certain changes of use

- (1) Subject to paragraph (2), planning approval is granted for the classes of development specified in Schedule 1 to the extent and subject to the conditions or limitations specified in that Schedule.
- (2) Planning approval is not granted for a change of use which contravenes any condition lawfully imposed on the grant of planning approval for development of land or buildings.

5 Transitional provisions

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

6 Consequential Amendments to the Town and Country Planning (Permitted Development) Order 2012

- (1) The Town and Country Planning (Permitted Development) Order 2012⁵ is amended as follows.
- (2) In Article 4 —
 - (a) omit paragraph (3); and
 - (b) in paragraph (4), for “Paragraphs (1) to (3)” substitute «Paragraphs (1) and (2)».
- (3) In Article 5(1), for “If the Department is satisfied that any of the operations or changes of use specified in Schedules 1, 2 and 3” substitute «If the Department is satisfied that any of the operations specified in Schedule 1 and 2».
- (4) Schedule 3 is revoked.

³ Maps not to scale.

⁴ SD 2019/0392.

⁵ SD 0254/2012.

7 Revocation

The Town and Country Planning (Change of Use) (Development) Order 2019⁶ is revoked.

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⁶ SD 2019/0394.

SCHEDULE 1

[Article 4]

APPROVED DEVELOPMENT

PART 1 – CHANGES OF USE (SPECIFIED LAND ONLY)

TABLE 1

Class of development	Conditions or limitations
<p>Class 1 – Change of use to shops, financial and services or food and drink</p> <p>The change of use of a building which is located within an area specified in Schedule 2 from a use –</p> <ul style="list-style-type: none"> (a) falling within Use Classes 1.1 (Shops), 1.2 (Financial and professional services), 1.3 (Food and Drink) or 1.4 (Hot Food Takeaway); (b) as a pay day loan shop or a betting office/shop; (c) falling within Use Class 2.1 (Office); (d) falling within Use Classes 3.1 (Hotels and guest houses), 3.2 (Hospitals, nursing homes and residential institutions), 3.3 (Dwellinghouses), 3.4 (Flats) or 3.5 (Houses in multiple occupation); or (e) falling within Class 4.1 (Clinics or health centres), Class 4.2 (Childcare or education), Class 4.3 (Other community facilities) or Class 4.4. (Assembly and leisure), <p>to a use falling within Use Classes 1.1 (Shops), 1.2 (Financial and professional services) or 1.3 (Food and Drink), or any combination of such uses.</p>	<p>A change of use shall not be permitted unless there is sufficient storage capacity for all waste which must be accessible to allow easy depositing of the waste.</p> <p><u>1, No customer shall be permitted to remain within the relevant building or land between the hours of 2100 and 0700.</u></p> <p><u>2 There must be sufficient provision of bins and containers for recyclable materials for the needs of the new building use.</u></p>

Class of development	Conditions or limitations
<p>Class 2 – Change of use to flats or offices (1st floor or above) The change of use of a building (excluding the ground floor or basement) which is located within an area specified in Schedule 2 from a use –</p> <p>(a) falling within Use Classes 1.1 (Shops), 1.2 (Financial and professional services), 1.3 (Food and Drink), or 1.4 (Hot Food Takeaway);</p> <p>(b) use as a pay day loan shop or a betting office/shop;</p> <p>(c) falling within Use Class 2.1 (Office);</p> <p>(d) falling within Use Classes 3.1 (Hotels and guest houses), 3.2 (Hospitals, nursing homes and residential institutions), 3.3 (Dwellinghouses), 3.4 (Flats) or 3.5 (Houses in Multiple Occupation); or</p> <p>(e) falling within Class 4.1 (Clinics or health centres), Class 4.2 (Childcare or Education), Class 4.3 (Other Community Facilities) or Class 4.4. (Assembly and Leisure),</p> <p>to a use falling within Use Classes 2.1 (Office) or 3.4 (Flats), or any combination of such uses.</p>	<ol style="list-style-type: none"> 1 The development shall not result in there being more than 7 flats within a building. 2 No flat shall be created which does not have independent access (internal or external) from the primary frontage. 3 No flat shall be created which does not have an outlook which includes a view of a highway from at least one primary window. 4 No flat shall be created which does not have suitable bin or bicycle storage provision. 5 No development shall be approved under this class which results in the loss of 500 square metres or more of retail floorspace.

PART 2 – RESIDENTIAL AND TOURISM CHANGE OF USE (ALL ISLAND)

TABLE 2

Class of development	Conditions or limitations
<p>Class 3 – Guest houses and taking in guests 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) a use falling within 3.3; (b) or a combined use as 3.1 and 3.3, or (c) a combined use as 3.3 and 3.6 (self contained self catering tourist unit);.</p> <p><u>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 –</u> <u>(a) 3.3 (Dwellinghouses);</u></p>	<ol style="list-style-type: none"> 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. 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. 3—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

<p>(b) <u>combined use as 3.1 and 3.3; or</u> (c) <u>3.6 (self contained self catering tourist units).</u></p> <p><u>2. The change of use from a use falling within class 3.3 to –</u> (a) <u>combined use as 3.1 and 3.3; or</u> (b) <u>3.6.</u></p> <p><u>3. The change of use from a use falling within class 3.6 to –</u> (a) <u>3.3; or</u> (b) <u>combined use as 3.1 and 3.3.</u></p> <p><u>4. The change of use from a combined use as class 3.1 and 3.3 to –</u> (a) <u>3.3; or</u> (b) <u>3.6.</u></p>	<p>predominantly residential use. 4 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.</p> <p><u>Any change to use class 3.3 or combined use as 3.1 and 3.3 is not permitted if –</u></p> <p>(a) <u>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;</u> (b) <u>(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.</u></p>
<p><u>Class 4 – Use of two or more dwellinghouses as a single</u> The change of use of a building from use as two or more dwellinghouses to use as a single dwellinghouse.</p> <p><u>Class 4 – Combination of dwellinghouses and flats</u> The change of use of a building from use as – (a) <u>2 or more dwellinghouses (Class 3.3) to use as a single dwellinghouse; and</u> (b) <u>2 or more flats (Class 3.4) into a single –</u> (i) <u>flat; or</u> (ii) <u>dwellinghouse.</u></p>	
<p><u>Class 5 – Working from home</u> The change of use of a building from use as a dwellinghouse (Use Class 3.3) to combined use as a dwellinghouse and by the householder as an office for conducting any business.</p>	<p>1 A change of use within this Class is not approved if the business involves persons other than the householder working in or calling at the building.</p> <p>2 No sign advertising the business or indicating its nature may be placed on the exterior, or within the curtilage, of the building or otherwise so as to be visible from outside the building.</p>

<p>Class 6 – Childminding The change of use of a building from use as a dwellinghouse (Use Class 3.3) to combined use as a dwellinghouse and by the householder as a childminder.</p>	<ol style="list-style-type: none">1 No more than 6 children (including children of the householder) may be looked after at any time.2 No sign advertising any activity as a childminder or indicating its nature may be placed on the exterior, or within the curtilage, of the building or otherwise so as to be visible from outside the building.
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PART 3 – INDUSTRIAL AND MISCELLANEOUS CHANGE OF USE (ALL ISLAND)

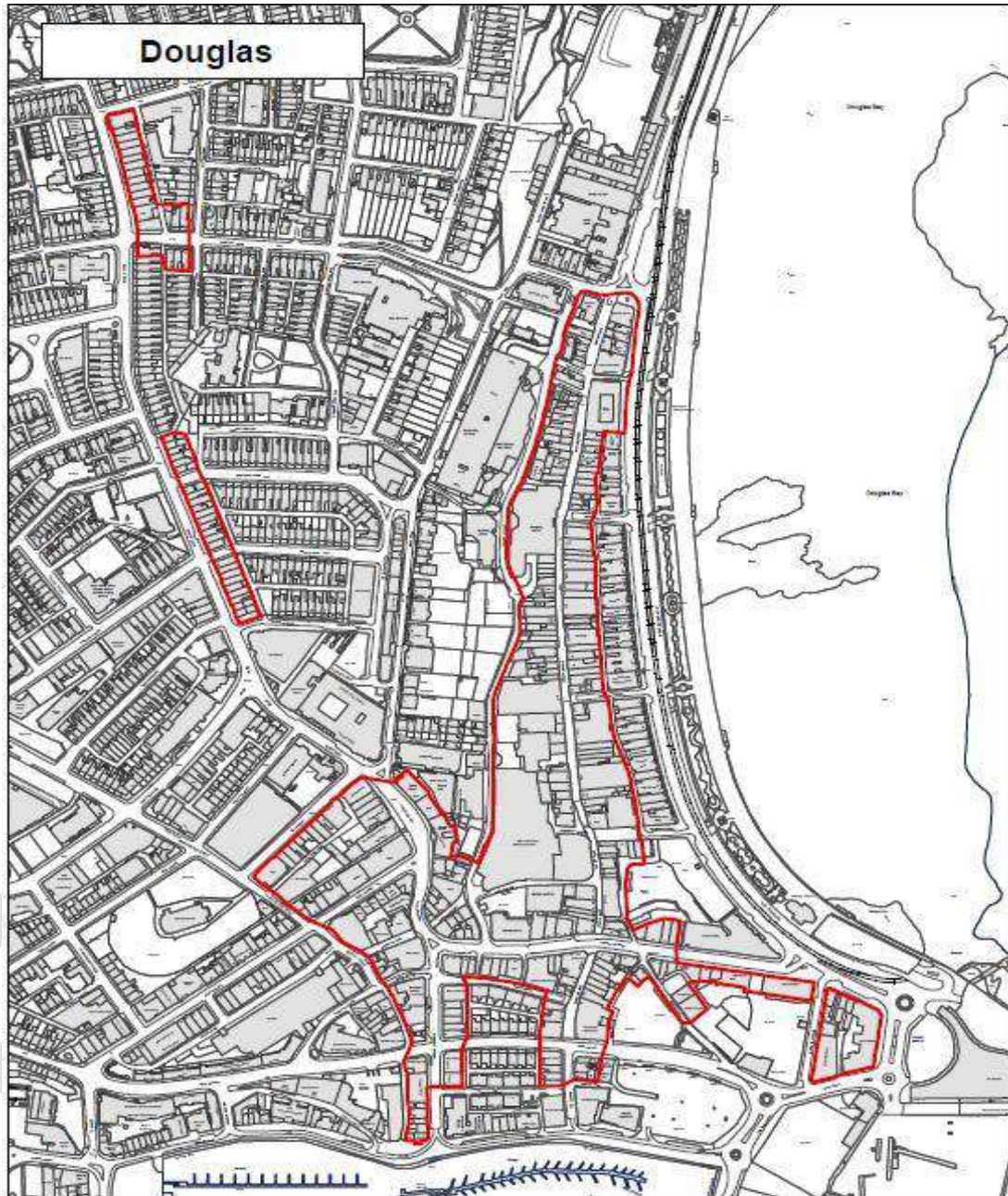
TABLE 3

Class of development	Conditions or limitations
Class 7 – Industrial The change of use from a use falling within use class 2.3 (General industrial) to a use falling within Use Class 2.2 (Light industry and research & development).	
Class 8 – Afforestation The afforestation of any land	A change of use within this class is not approved if the area of the land, together with any adjoining land being afforested at or about the same time, exceeds 0.5ha.

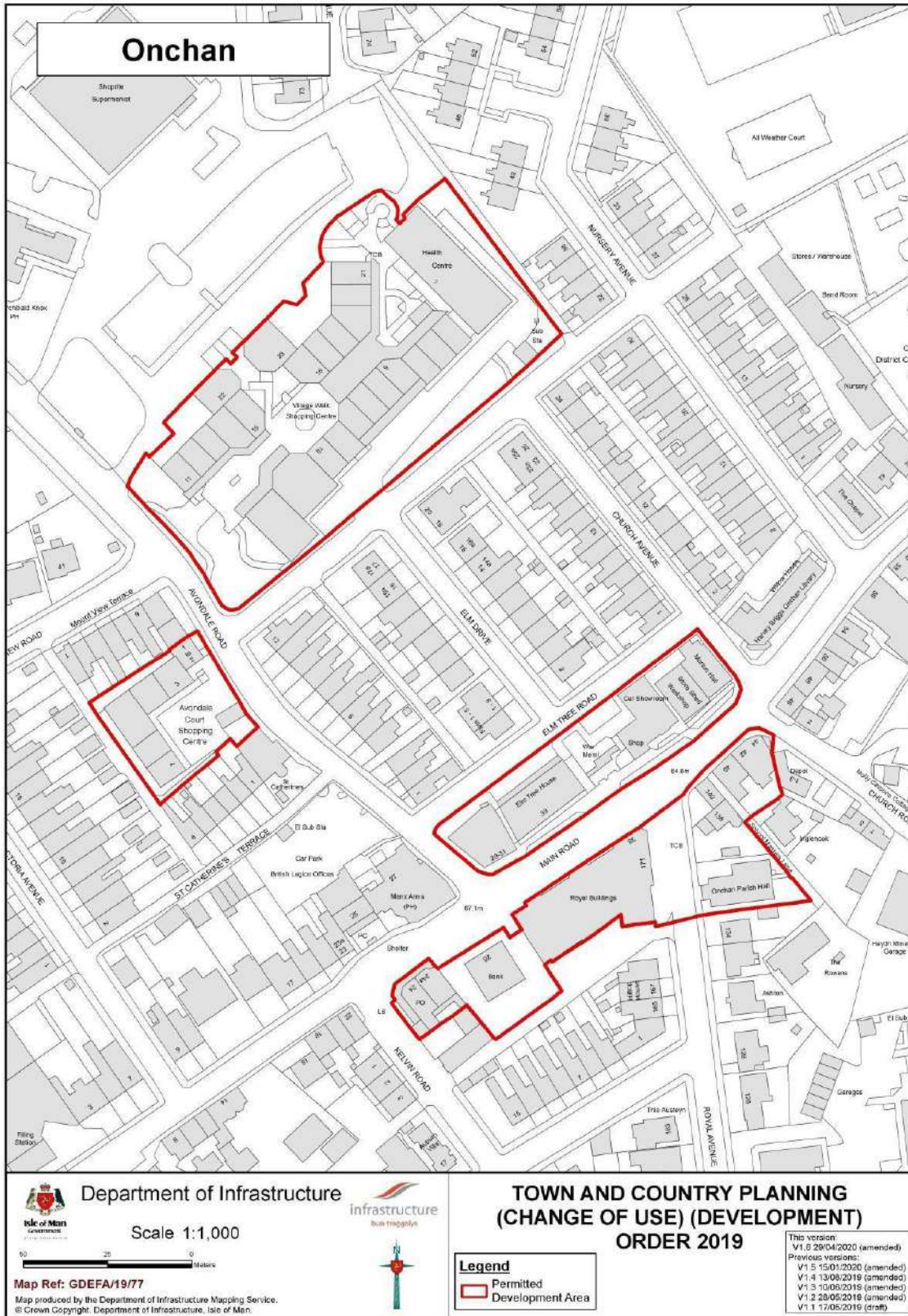
SCHEDULE 2

[Article 3]

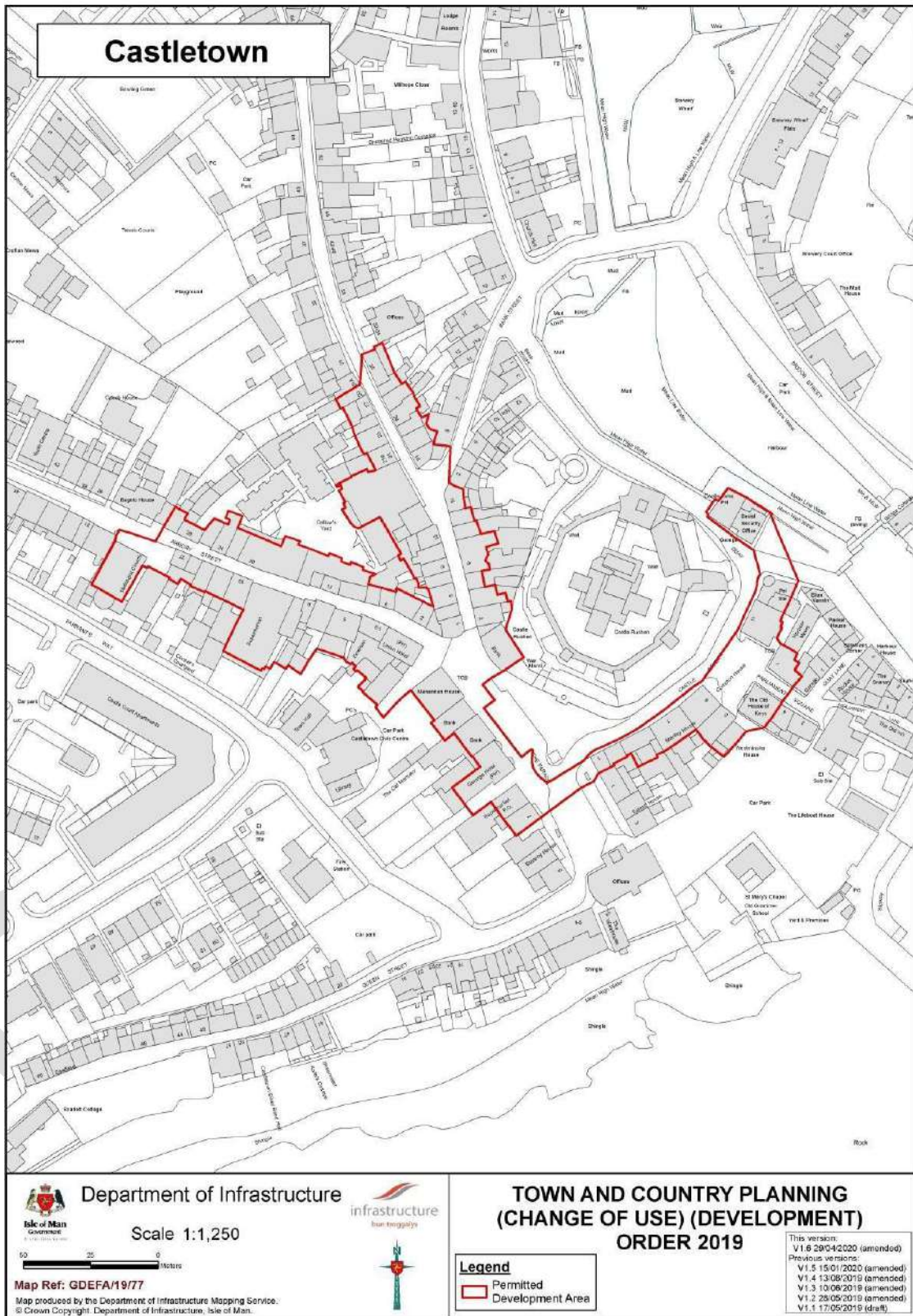
DOUGLAS MAP






ONCHAN MAP³



CASTLETOWN MAP⁴



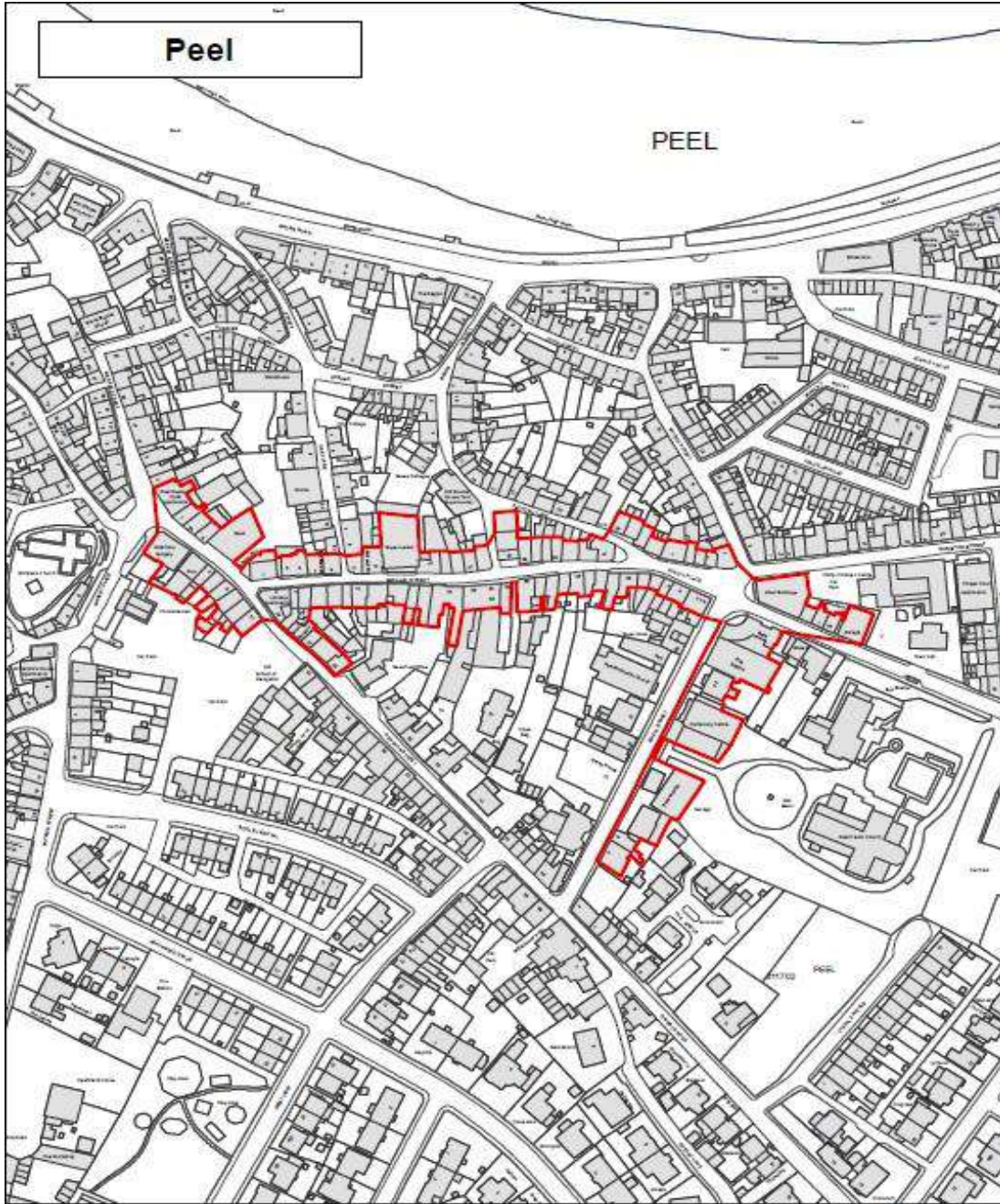

Department of Infrastructure
 Scale 1:1,250


 Map Ref: GDEFA/19/77
 Map produced by the Department of Infrastructure Mapping Service.
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**TOWN AND COUNTRY PLANNING
 (CHANGE OF USE) (DEVELOPMENT)
 ORDER 2019**

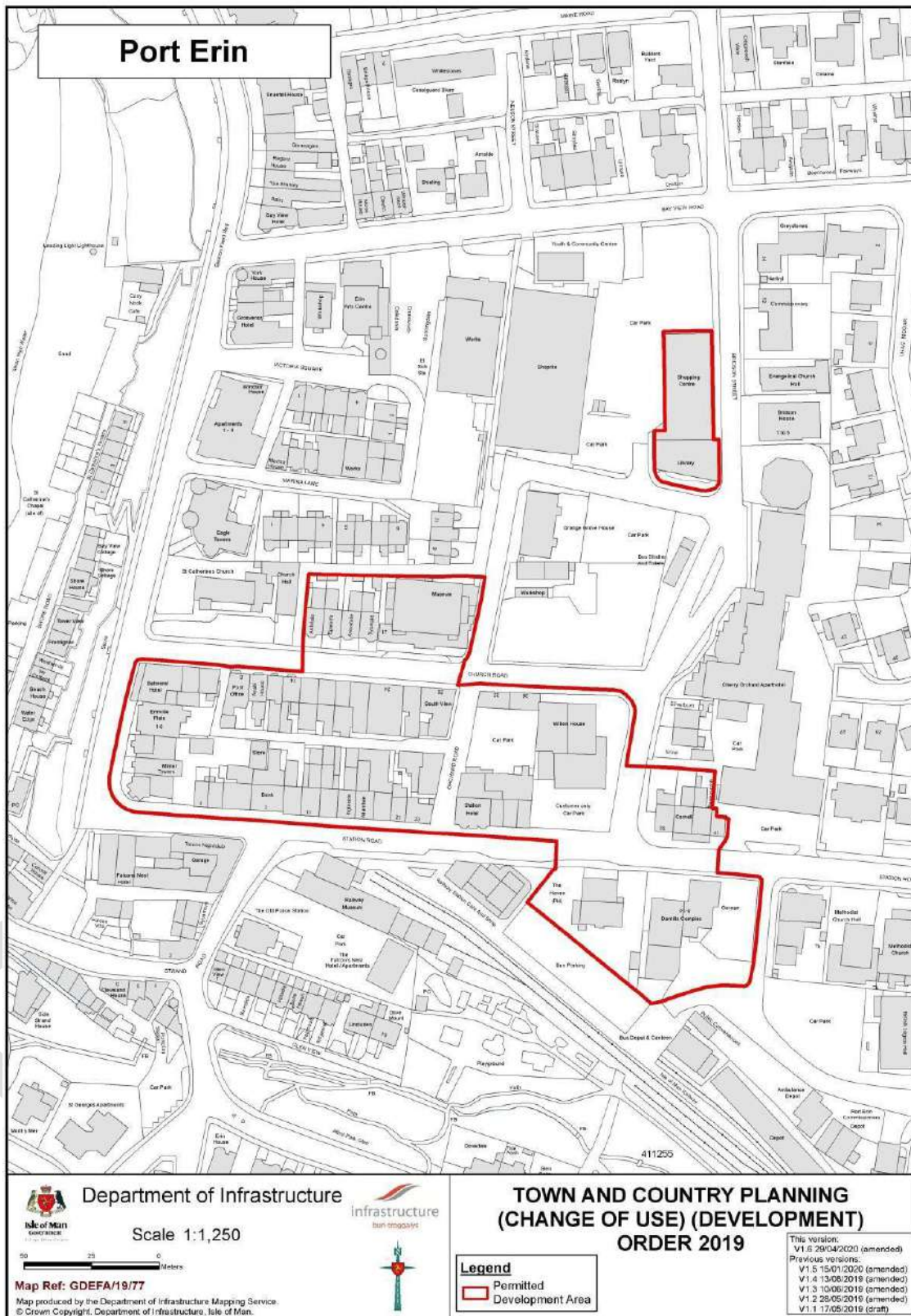
Legend
 Permitted
 Development Area

This version:
 V1.6 20/04/2020 (amended)
 Previous versions:
 V1.5 15/01/2020 (amended)
 V1.4 13/08/2019 (amended)
 V1.3 10/08/2019 (amended)
 V1.2 28/05/2019 (amended)
 V1.1 17/05/2019 (draft)

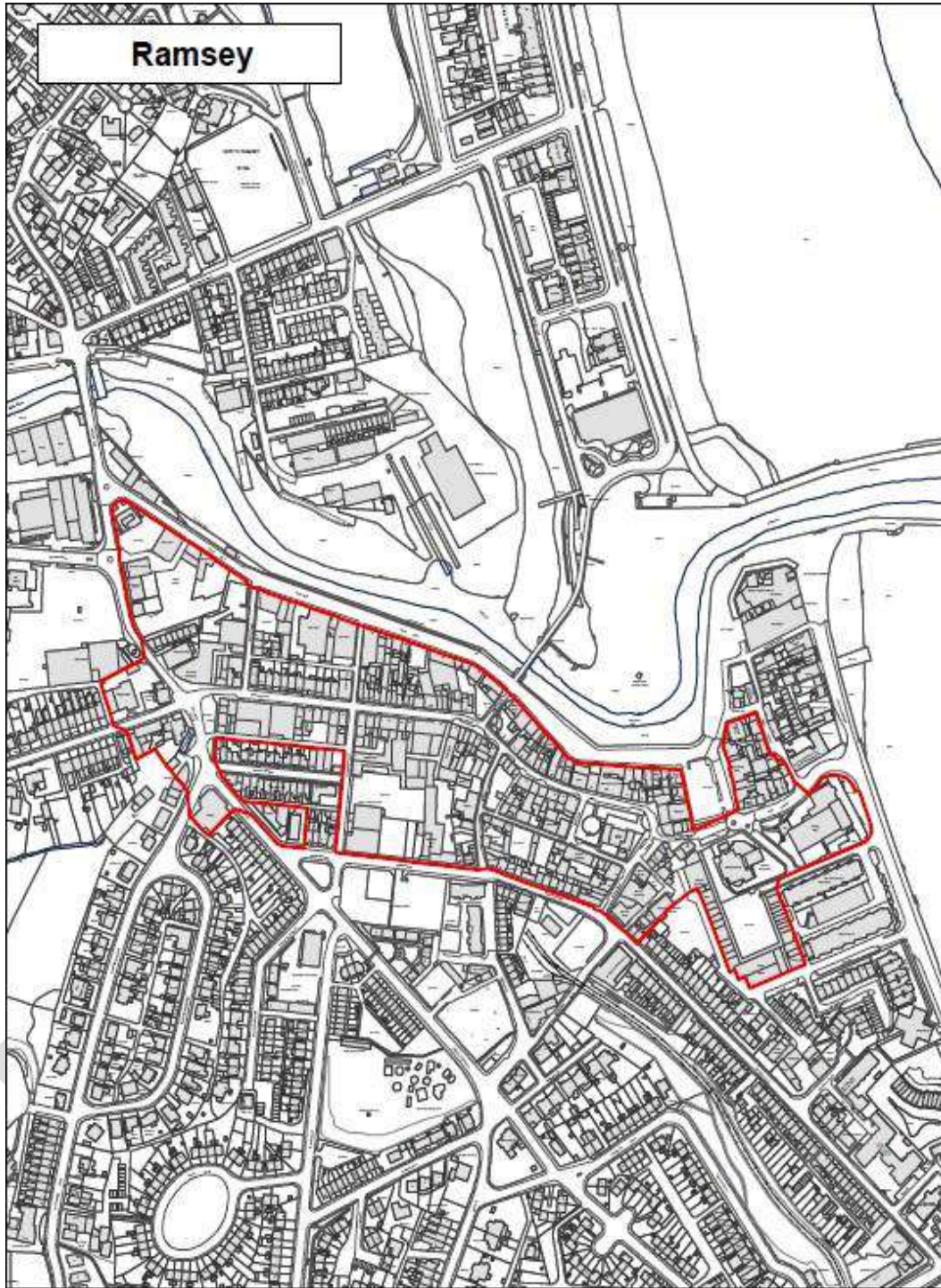
PEEL MAP



PORT ERIN MAP⁵



RAMSEY MAP



ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

² Definition of “primary window” substituted by SD2020/0349.

³ Onchan map substituted by SD2020/0349.

⁴ Castletown map substituted by SD2020/0349.

⁵ Port Erin map substituted by SD2020/0349.

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