

Statutory Document No. 20XX/XXXX



Town and Country Planning Act 1999

TOWN AND COUNTRY PLANNING (DEFINITION OF DEVELOPMENT) ORDER 2024

Approved by Tynwald:

Coming into Operation in accordance with Article 2

The Department of Environment, Food and Agriculture, having consulted the Cabinet Office¹, makes the following Order under section 6(3)(f) of the Town and Country Planning Act 1999.

1 Title

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

2 Commencement

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

3 Interpretation

In this Order —

"**the 2019 Order**" means the Town and Country Planning (Development Procedure) Order 2019³;

"**the Act**" means the Town and Country Planning Act 1999;

"**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);

"**domestic hardstanding**" means hardstanding within the curtilage of a building falling within any of the following use classes specified in the Town and Country Planning (Use Classes) Order 2019⁴ —

¹ As required by section 43A of the Act.

² Tynwald procedure—approval required, pursuant to section 44(1) of the Act.

³ SD 2019/0423.

⁴ SD 2019/0392.

- (a) Class 3.3 (dwellinghouses);
- (b) Class 3.4 (flats);
- (c) Class 3.5 (houses in multiple occupation); and
- (d) Class 3.6 (self-contained self-catering tourist unit); and

“**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.

4 Definition of development

- (1) For the purposes of section 6(3)(f) of the Act, the operations specified in this article are not to be taken for the purposes of the Act to involve development.
- (2) The removal and replacement of a chimney provided that the replacement chimney is externally similar in size, shape, external treatment material and colour to the chimney being replaced.
- (3) The installation, replacement or removal of domestic hardstanding provided that —
 - (a) no part of the top surface of the domestic hardstanding is more than 0.3 metres above the ground level directly underneath as existed before the operations;
 - (b) if the total area of the domestic hardstanding (including any existing domestic hardstanding being added to) is, or will be, greater than 5 square metres —
 - (i) any rainwater is directed to a lawn, border or drain; or
 - (ii) the domestic hardstanding is constructed of permeable or porous surfacing which allows water to drain through;
 - (c) if the domestic hardstanding is situated on land between a wall forming the principal elevation of a building and a highway, the domestic hardstanding is —
 - (i) no bigger than 51% of that land; or
 - (ii) the same size as an existing domestic hardstanding, which is being replaced; and
 - (d) if the building is within a conservation area, the domestic hardstanding is not situated on land between a wall forming the principal elevation of the building and a highway.
- (4) The painting of the exterior of a building, provided that —
 - (a) the painting does not introduce patterns, pictures, letters or numbers (excluding the house number or letters spelling the house name where the size of each number or letter does not exceed 150mm in height);

- (b) the painting is not for the purpose of advertisement, announcement or direction;
 - (c) if before the operation the colour of any detailing around the doors or windows of a building is different to the remainder of the building, the painting around the doors or windows and the remainder of the building remains a different colour; and
 - (d) if the building is in a conservation area, the painting must only be in respect of surfaces to which paint has been previously applied, and paint must not be applied to surfaces to which paint has not been previously applied.
- (5) The demolition of a building provided that –
- (a) the cumulative volume of the building or buildings to be demolished within a curtilage or parcel of land does not exceed 50 cubic metres; and
 - (b) the demolition does not include the demolition of any of the following –
 - (i) any fence, gate or other means of enclosure which is located within a conservation area;
 - (ii) a fixed statue, monument or memorial;
 - (iii) a part of a building; or
 - (iv) a building which is attached to another building, where the other building is not demolished.

5 Incidental provision

- (1) Despite the commencement of this Order, an application for planning approval which seeks permission for any of the operations falling within article 4, that has –
- (a) been made in accordance with the 2019 Order; and
 - (b) has not been finally determined in accordance with the 2019 Order before this Order has come into operation,
- will be determined in accordance with the 2019 Order, as if this Order had not been made.
- (2) Any existing planning approvals issued in accordance with the 2019 Order that permit any of the operations falling within article 4, including any conditions imposed on those operations as part of that planning approval, shall continue in effect, as if this Order had not been made.

MADE

CLARE BARBER

Minister for Environment, Food and Agriculture

DRAFT - FOR CONSULTATION PURPOSES ONLY



EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for further operations which are not to be considered as "development" for the purposes of the Town and Country Planning Act 1999. These operations are in addition to those already listed in section 6(3) of that Act.

DRAFT - FOR CONSULTATION PURPOSES ONLY