



TOWN AND COUNTRY PLANNING (REGISTERED BUILDINGS) REGULATIONS 2024

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Statutory Document No. 20XX/XXXX



Town and Country Planning Act 1999

TOWN AND COUNTRY PLANNING (REGISTERED BUILDINGS) REGULATIONS 2024

Approved by Tynwald:

Coming into Operation:

XXXXX

The Department of Environment, Food and Agriculture, having consulted the Cabinet Office¹, makes the following Regulations under sections 14, 14A, 15(5), 20(2) and (3) and paragraph 3 of Schedule 2 to the Town and Country Planning Act 1999.

PART 1 - INTRODUCTORY

1 Title

These Regulations are the Town and Country Planning (Registered Buildings) Regulations 2024.

2 Commencement

If approved by Tynwald², these Regulations come into operation on XXXXX.

3 Interpretation

(1) In these Regulations —

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

“**AIRC**” means Approval of Information Required by a Condition, where such a condition has been attached to registered building consent reserving specified details of the works for subsequent approval by the Department;

“**appeal contributor**” means in relation to an appeal, any of the following persons, or an agent acting on their behalf —

- (a) an appellant;
- (b) a potential appellant;

¹ As required by section 43A of the Act.

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

- (c) the Department;
- (d) Manx National Heritage;
- (e) the local authority for the district in which the building that is the subject of the appeal is situated;
- (f) any other person who has submitted written representations (not being a petition signed by numerous persons); or
- (g) where a petition signed by numerous persons has been submitted, a nominated person to represent the signatories to that petition;

“appeal notice” means the documents and materials that are sent to the CEO in accordance with regulations 13(4) (appeals under Part 2: protected building register) or 18(7) (appeals under Part 3) as the case may be;

“appellant” means a person, or an agent acting on their behalf, who has appealed from a decision of the Department in accordance with —

- (a) in the case of an appeal relating to a registration decision, regulation 13 (appeals under Part 2: protected building register); or
- (b) in the case of an appeal relating to a registered building consent decision, regulation 18 (appeals under Part 3);

“applicant” means —

- (a) a person who makes an application under Part 3 (application for registered building consent) or Part 5 (application for approval of information required by conditions) in that person’s name and on that person’s own behalf; or
- (b) an agent acting for a person mentioned in paragraph (a), and where paragraph (b) applies, unless otherwise stated, references to “applicant” must be read as references to the agent;

“application bundle” means the bundle referred to in regulation 8 (application for registered building consent: application bundle);

“CEO” means the Chief Executive Officer (Isle of Man Government);

“Department” means the Department of Environment, Food and Agriculture;

“inquiry” means an inquiry conducted by a planning inspector under regulations 15 or 20 (role of the planning inspector);

“Manx National Heritage” means the Manx Museum and National Trust established under the Manx Museum and National Trust Act 1959;

“**Manx Utilities**” means the Manx Utilities Authority as established under the Statutory Boards Act 1987;

“**planning inspector**” means —

- (a) a person whose name appears on a list approved for the purposes of these Regulations by the Council of Ministers; and
- (b) in the case of an appeal in relation to a registration decision (including amendment or de-registration), a person who —
 - (i) has full membership of the Institute of Historic Building Conservation;
 - (ii) is listed on the Royal Institute of British Architects Conservation Register; or
 - (iii) is listed on the Conservation Accreditation Register for Engineers or equivalent;

“**potential appellant**” means a person, or an agent acting on their behalf, who—

- (a) has, or had, a right to appeal in accordance with —
 - (i) in the case of an appeal relating to a registration decision, regulation 13 (appeals under Part 2: protected building register); or
 - (ii) in the case of an appeal relating to a registered building consent decision, regulation 17 (right to appeal under Part 3: registered building consent); and
- (b) has not yet appealed from a decision of the Department in accordance with regulation 13 or 18 as the case may be;

“**register**” or “**de-register**”, in relation to a building, means enter a building in, or remove it from the register, as the case may be;

“**registered building consent decision**” means a decision to grant or refuse registered building consent;

“**registration decision**” means a decision to register or de-register a building or to amend an entry in the register in respect of a building, as the case may be;

“**written representations**” includes supporting documents and comments, objections, responses, submissions or views expressed in writing.

(2) Any —

- (a) document, plan, drawing, illustration or other thing required under these Regulations to be given (howsoever expressed) may

be given by electronic means provided the intended recipient is able, and willing, to receive it by those means;

- (b) plan, drawing or illustration given under these Regulations must include –
 - (i) a statement setting out its metric scale when printed or reproduced on a particular size of paper (for example “1:100 when printed on A4 paper”); and
 - (ii) either or both a metric scale bar labelled with its ground length and in multiples of metric units or clearly marked and scaled metric dimensions.

PART 2 – PROTECTED BUILDING REGISTER

4 Contents of Protected Building Register

Each entry in the register must contain the following particulars –

- (a) a description of the building in question sufficient to enable it to be identified;
- (b) the nature of the special architectural or historical interest of the building (including any matters taken into account by the Department under section 14(2) (the protected buildings register) of the Act); and
- (c) the nature of any object or structure (whether fixed to the building or not) or any part or feature of the building which is not of special architectural or historical interest in accordance with section 14(2A) of the Act.

5 Notice of proposal to register or de-register a building or amend the register

- (1) The Department must give public notice of any proposal to register or de-register a building or to amend an entry in the register in respect of a building in at least one newspaper published and circulating in the Island or by such other means as the Department considers appropriate –
 - (a) identifying the building in question; and
 - (b) stating that any person may make written submissions to the Department with respect to the proposal before such date as is specified in the notice (not being less than 28 days after the date on which the notice is first published).
- (2) The Department must give a copy of the notice referred to in paragraph (1), together with a statement that written submissions with respect to the proposal may be made to the Department as directed under paragraph (1)(b), to –

- (a) every owner or occupier of the building, unless the land is not registered with the land registry and the Department does not know who owns the land;
 - (b) the local authority for the district in which the building is situated; and
 - (c) Manx National Heritage.
- (3) The Department must not make a registration decision until —
- (a) it has considered any representation duly made in pursuance of a notice under paragraph (1) or (2); and
 - (b) the period referred to in paragraph (1)(b) has elapsed.

6 Notice of registration decision

- (1) As soon as practicable after the Department has made a registration decision, the Department must give notice in writing of that registration decision to —
- (a) every owner and occupier of the building;
 - (b) the local authority for the district in which the building is situated;
 - (c) Manx National Heritage; and
 - (d) any other person who has made representations in relation to the proposal under regulation 5 (notice of proposal to register or de-register a building or amend the register).
- (2) Notice of a registration decision must set out —
- (a) where the decision is to register or de-register a building or to amend an entry in the register in respect of a building, the reasons for the decision;
 - (b) where the decision is to register a building or amend an entry in the register in respect of a building, how the detail of that decision can be viewed; and
 - (c) where it is given to the owner of the building, the right of such a person to appeal against the registration decision in accordance with Part 4 (appeals).
- (3) A registration decision does not have effect —
- (a) if an appeal is submitted under Part 4 (appeals), until the appeal is determined or withdrawn;
 - (b) if no appeal is submitted, until the time within which an appeal may be submitted has expired (see regulation 13(2) (appeals under Part 2: protected building register)).
- (4) If it appears to the Department that a notice of a registration decision contains a relevant error, the Department must give a notice to correct the

relevant error (“correction notice”) to those persons mentioned in paragraph (1) setting out the text of any correction subject to which the notice of a registration decision is to be read.

- (5) A relevant error is –
- (a) an error of grammar, spelling or syntax;
 - (b) an error in the citation of relevant legislation;
 - (c) an obviously incorrect cross-reference;
 - (d) a clerical error or omission; or
 - (e) an error in transcription or expression.
- (6) Where a correction notice has been given the original notice of a registration decision is to be treated for all purposes as if it had been made in the corrected form.
- (7) Where –
- (a) a registration decision is subject to an appeal under Part 4; and
 - (b) the notice of registration decision relevant to that registration decision was subject to a correction notice,

regulation 13(2) (appeals under Part 2: protected building register) has effect as if the original notice of registration decision had been given on the date on which the correction notice is given.

PART 3 – APPLICATION FOR REGISTERED BUILDING CONSENT

DIVISION 1 - GENERAL

7 Applications for registered building consent: general

An application for registered building consent under Part 3 may seek –

- (a) authorisation for the demolition of a registered building;
- (b) authorisation for the alteration or extension of a registered building; or
- (c) authorisation for the retention of works for the alteration or extension of a registered building which have been executed without consent under section 15(1) (control of works affecting registered building) of the Act or in contravention of a condition attached to a consent under Schedule 3 (conditions of registered building consent) to the Act.

8 Application for registered building consent: application bundle

- (1) A person applying for registered building consent must give the Department 2 copies of an application bundle consisting of –
 - (a) an application form supplied by the Department, completed by the applicant; and
 - (b) the documentation referred to in –
 - (i) where relevant, paragraph (4); and
 - (ii) where applicable, paragraph (8).
- (2) A person referred to in paragraph (1) need only give the Department one copy of an application bundle when giving it by electronic means.
- (3) Where paragraph (1) is not satisfied, the Department may return the application to the applicant and is not required to take any further action in respect of it.
- (4) The documentation referred to in this paragraph is such further particulars as the Department may direct to be given in writing at any time before the determination of the application for registered building consent or, as the case may be, before the submission of an appeal in respect of a failure to determine an application in accordance with regulation 18 (appeals under Part 3).
- (5) Where paragraph (4) applies, the particulars in question must be furnished by a date specified in the direction.
- (6) The date referred to in paragraph (5) must be a date falling more than 21 days after the date of the direction.
- (7) Where an applicant fails to furnish the required particulars in accordance with paragraphs (4) to (6), the Department may treat an application for registered building consent as withdrawn.
- (8) The documentation referred to in this paragraph is documentation not falling within paragraph (1) or (4) which –
 - (a) comprises such further, or amended, particulars or information (whether by way of plans or otherwise) that the applicant may, at any time before the determination of the application for registered building consent, give without prior request; and
 - (b) the Department considers is not so significant as to warrant the making of a new application for registered building consent.
- (9) Where in respect of a building that is subject to an application for registered building consent –
 - (a) the applicant is the owner of that building or has an interest in it; and
 - (b) that building or interest becomes vested in another person,

that other person may apply in writing to the Department to be treated as the applicant and must be so treated if the Department agrees.

- (10) The Department may, in any given case and at any time before the application is determined, require the person making an application to furnish it with additional hard copies of the application bundle.

9 Similar applications

- (1) The Department may refuse an application referred to in regulation 8 without preparing and publishing a notice of application under regulation 10 where—
 - (a) that application is, in accordance with these Regulations, to be determined by the Department; and
 - (b) the Department considers that application to be a similar application.
- (2) Where the Department refuses an application under paragraph (1), it must give the applicant a notice setting out the reasons for that refusal and stating that its decision is final and binding subject only to the possibility of judicial review by petition of dolence.
- (3) A “similar application” is an application (“application B”) made under regulation 8 which is not materially different to a previous application for registered building consent (“application A”) which has been determined within the period of 5 years immediately before the making of application B.
- (4) For the purposes of paragraph (3), application A is treated as having been determined—
 - (a) if an appeal was submitted in respect of application A, on the day on which the appeal decision notice in respect of that appeal was issued; or
 - (b) if no such appeal was submitted, on the last day on which such an appeal could have been submitted.
- (5) For the avoidance of doubt, where this regulation applies regulations 10 (notification of application for registered building consent) to 12 (notice of decisions) and 17 (right to appeal under Part 3: registered building consent) to 23 (payment of costs for appeals under Parts 2 and 3) do not apply.

10 Notice of application for registered building consent

- (1) Where, in respect of an application made under regulation 8, regulation 9 does not apply, the Department must prepare and publish a notice of application in accordance with this regulation.
- (2) A notice of application must—

- (a) specify the location of, and describe, the building and the works to which the application for registered building consent relates; and
 - (b) state that any person may make written representations to the Department with respect to that application at any time before it is determined under regulation 11 (determination of applications: registered building consent) (see in particular paragraph (3) of that regulation).
- (3) The Department must cause the matters referred to in paragraph (2) to be published –
 - (a) in at least one newspaper circulating in the Island; or
 - (b) by such other means as the Department considers appropriate.
- (4) No later than the date the notice is published under paragraph (3), the Department must –
 - (a) give the applicant a copy of the notice of application requiring that person to –
 - (i) display a copy of the notice by fixing it firmly to the building or other structure on or near the building that is subject to that application so that it can easily be read by members of the public from the public highway and is unlikely to be obscured or concealed;
 - (ii) ensure that a copy of the notice displayed in accordance with paragraph (i) remains so displayed for a period of not less than 21 days beginning with the day on which it was first displayed; and
 - (iii) (where the applicant is not the owner) provide a copy of that notice to the owner of the land as soon as practicable, unless the building is not registered with the land registry and the applicant does not know who owns the land; and
 - (b) notify Manx National Heritage and the local authority for the district in which the building subject to that application is situated, of that application and the place and times at which it may be viewed (whether in hard copy form or electronic form or both forms).
- (5) Where a local authority is notified of the application under paragraph (4)(b), it may publicise the place and times at which it may be viewed (whether in hard copy form or electronic form or both forms), in any manner it sees fit.
- (6) Where documentation is given to the Department under regulation 8(4) or (8), the Department may undertake such publicity as it sees fit having regard to the significance of that documentation and may, if it considers it appropriate to do so, prepare and publish –

- (a) an amended; or
 - (b) a replacement,
notice of application.
- (7) Where an amended or replacement notice is prepared under paragraph (6), references to a notice of application (however expressed) in paragraphs (1) to (5) are to be read as references to that amended or replacement notice.

DIVISION 2 – DETERMINATION OF REGISTERED BUILDING CONSENT APPLICATIONS

11 Determination of applications: registered building consent

- (1) The Department must consider the application bundle and any representations made under regulation 10 in accordance with this regulation.
- (2) In determining an application, the Department must decide –
 - (a) whether to grant or refuse registered building consent;
 - (b) where registered building consent is granted, whether any conditions are to be attached to that grant; and
 - (c) who has a right to appeal such a decision, in accordance with regulation 17 (right to appeal under Part 3).
- (3) The Department cannot determine an application earlier than 21 days beginning with the date on which the applicant is given the latest notice of application under regulation 10 (notice of application for registered building consent);
- (4) A determination to grant or refuse registered building consent does not have effect –
 - (a) if an appeal is submitted under Part 4 (appeals), until the appeal is determined or withdrawn;
 - (b) if no appeal is submitted, but there are potential appellants in addition to the applicant, until the time within which an appeal may be submitted has expired (see regulation 18(2) (appeals under Part 3)).
- (5) Unless a condition attached to a grant of registered building consent provides otherwise, the approval applies to the building in respect of which it is granted irrespective of any change of ownership or interest in the building.

12 Notice of registered building consent decision

- (1) As soon as practicable after a determination has been made under regulation 11 (determination of applications: registered building consent),

the Department must give notice in writing of that registered building consent decision to —

- (a) the applicant;
 - (b) the local authority for the district in which the registered building is situated;
 - (c) Manx National Heritage; and
 - (d) any other person who has made representations with respect to the application.
- (2) Notice of a registered building consent decision must set out —
- (a) where authorisation is granted, the conditions (if any) subject to which it is granted and the reasons for them;
 - (b) where authorisation is granted or refused, the reasons for it;
 - (c) the effect of regulation 11(4) (determination of applications: registered building consent); and
 - (d) where it is given to a potential appellant, the right of such a person to appeal in accordance with Part 4 (appeals).
- (3) If it appears to the Department that a notice of a registered building consent decision contains a relevant error, the Department must give a notice to correct the relevant error (“correction notice”) to those persons mentioned in paragraph (1) setting out —
- (a) the text of any correction subject to which the notice of a registered building consent decision is to be read; and
 - (b) whether any changes to the date the original notice has effect from are to be made (see paragraph (5)).
- (4) A relevant error is —
- (a) an error of grammar, spelling or syntax;
 - (b) an error in the citation of relevant legislation;
 - (c) an obviously incorrect cross-reference;
 - (d) a clerical error or omission; or
 - (e) an error in transcription or expression.
- (5) Where a correction notice has been given, the original notice of a registered building consent decision is to be treated for all purposes as if it had been made in the corrected form and where the correction is such that the meaning of a condition of the original notice has —
- (a) not been changed, the original notice continues in effect from the date on which it was first issued; or
 - (b) has changed, the original notice has effect from the date on which the correction notice is issued.

PART 4 – APPEALS

DIVISION 1 – APPEALS UNDER PART 2

13 Appeals under Part 2: Protected Building Register

- (1) The owner of the building may appeal against a registration decision.
- (2) An appeal under paragraph (1) may only be submitted within 3 months of the date of the notice of the registration decision given under regulation 6 (notice of registration decision).
- (3) An appeal must—
 - (a) include —
 - (i) the grounds of appeal;
 - (ii) an election, if that is the appellant's wish, to have the appeal determined by means of an inquiry; and
 - (b) be in writing and given to the Department.
- (4) The Department must, as soon as reasonably practicable, forward to the CEO an appeal notice containing all documents and material it has received under this regulation.

14 Role of the CEO

- (1) Within 10 working days of the receipt of an appeal notice, the CEO must give a written notice to every appeal contributor—
 - (a) inviting written representations (including on whether the appeal should be determined by means of written representations or by means of an inquiry) to be given to the CEO within a period of 21 days beginning with the date of that invitation;
 - (b) stating that the appeal will be determined —
 - (i) by means of an inquiry where an appellant has so elected under regulation 13(3)(a)(ii);
 - (ii) where sub-paragraph (b)(i) does not apply, by means of written representations.
- (2) The CEO may extend the period referred to in paragraph (1)(a).
- (3) Notwithstanding paragraph (1)(b)(i), the appeal is to be determined by means of written representations where all appeal contributors (including the appellant) have, following the CEO's notice under paragraph (1), unanimously agreed that it should be determined by written representations.
- (4) For the purposes of paragraph (3), where no response is received from an appeal contributor, or their response does not set out a preference for the

means of appeal, it shall be taken as an agreement to determine the appeal by means of written representations.

- (5) Where paragraph (1)(b)(ii) would otherwise apply, the appeal is to be determined by means of an inquiry where an appeal contributor has made representations under paragraph (1)(a) for it to be determined by means of an inquiry.
- (6) Paragraphs (7) to (9) apply where either –
 - (a) paragraph (1)(b)(ii) applies (and has not been displaced by paragraph (5)); or
 - (b) paragraph (3) applies.
- (7) The CEO must give a written notice to every appeal contributor –
 - (a) informing them that the appeal is to be determined by means of written representations unless the planning inspector subsequently determines otherwise under regulation 15(1)(b) (role of the planning inspector);
 - (b) informing them where, and when, any written representations received under paragraph (1)(a) may be viewed (whether in hard copy form, electronic form, or in both forms);
 - (c) inviting additional written representations to be given within a period of 14 days beginning with the date of that invitation.
- (8) The CEO may extend the period referred to in paragraph (7)(c).
- (9) Upon the expiry of the period referred to in paragraph (1)(a) or, where applicable, paragraph (7)(c), the CEO –
 - (a) must refer an appeal referred to in this regulation to a planning inspector stating whether, in accordance with this regulation, it is to be determined by means of an inquiry or by means of written representations; and
 - (b) where in accordance with this regulation, an appeal is to be determined by means of an inquiry –
 - (i) must make any written representations given under paragraph (1) or (7)(c) available to each appeal contributor prior to the date of the inquiry; and
 - (ii) may convene a pre-inquiry meeting on behalf of the planning inspector.
- (10) This regulation is without prejudice to regulation 15(1)(b).

15 Role of the planning inspector

- (1) Upon a reference from the CEO under regulation 14, the planning inspector –

- (a) must consider the public notice given under regulation 5(1) (notice of proposal to register or de-register a building or amend the register), the registration decision, the written appeal, any written representations made in connection with them and any other material or information the planning inspector considers necessary in order to discharge the planning inspector's functions under this regulation;
 - (b) may, where regulation 14(1)(b)(i) or (5) (role of the CEO) does not apply, determine that the appeal should be determined by means of an inquiry where the planning inspector considers that any appeal contributor participating in the appeal would be unduly disadvantaged if the appeal was to be determined by means of written representations;
 - (c) may in the case of an appeal to be determined by means of an inquiry, hold a pre-inquiry meeting;
 - (d) must, in the case of an appeal to be determined by means of an inquiry, give every appeal contributor, an opportunity to appear at a fixed time and place, to make oral representations and to call and examine witnesses; and
 - (e) may invite any Government Department (or Division of a Department), Manx National Heritage, Manx Utilities or any other person to provide technical advice.
- (2) Where, pursuant to paragraph (1)(b), the planning inspector determines that the appeal should be determined by means of an inquiry, the CEO must make any written representations available to all appeal contributors prior to the date of the inquiry.
 - (3) Having considered the written appeal, any representations made or any evidence or advice presented or submitted in respect of them, the planning inspector must give the CEO a written report which must include the planning inspector's recommendation in relation to the appeal and the planning inspector's reasons for that recommendation.

16 Determination by the Department

- (1) The Department must consider the report of the planning inspector and may consider any material provided under regulations 13 (appeals under Part 2: protected building register) to 15 (role of the planning inspector) and the Department –
 - (a) must either allow or dismiss the appeal; and
 - (b) may in any case reverse or vary any part of its original registration decision, whether or not the appeal relates to that part of its original registration decision.

- (2) For the avoidance of doubt, an appeal under Part 2 (protected building register) against a registration decision to amend an entry in the register in respect of a building cannot result in de-registration of that building.
- (3) As soon as practicable after its determination of the appeal, the Department must give every appeal contributor written notice of the decision (an “appeal decision notice”).
- (4) The Department’s determination must not take effect until an appeal decision notice has been issued.
- (5) An appeal decision notice must —
 - (a) set out the Department’s decision and the reasons for it;
 - (b) include details of the times and place where the report of the planning inspector may be viewed whether in hard copy form or electronic form or both forms;
 - (c) if and to the extent that the Department’s decision does not follow the recommendations of the planning inspector, state the reasons for not doing so;
 - (d) advise how the registration, as it appears in the register, can be viewed;
 - (e) advise that the Department’s decision is final and binding subject only to the possibility of judicial review by petition of doléance.
- (6) If it appears to the Department that an appeal decision notice contains a relevant error, the Department must give a notice to correct the relevant error (“correction notice”) to those persons mentioned in paragraph (3) setting out the text of any correction subject to which the appeal decision notice is to be read.
- (7) A relevant error is —
 - (a) an error of grammar, spelling or syntax;
 - (b) an error in the citation of relevant legislation;
 - (c) an obviously incorrect cross-reference;
 - (d) a clerical error or omission; or
 - (e) an error in transcription or expression.
- (8) Where a correction notice has been given the original appeal decision notice is to be treated for all purposes as if it had been made in the corrected form and, for the purposes of computation of time for judicial review by a petition of doléance, has effect as if the original appeal decision notice had been made on the date on which the correction notice is given.

DIVISION 2 – APPEALS UNDER PART 3

17 Right to Appeal under Part 3: Registered building consent

- (1) The following persons have a right to appeal against a registered building consent decision –
 - (a) the applicant; and
 - (b) any of the following bodies that submit a relevant objection –
 - (i) a local authority for the area in which the planned development that is the subject of the decision is situated; and
 - (ii) Manx National Heritage.
- (2) For the purposes of this regulation –
 - (a) “objection” includes, but is not limited to, written representations made under regulation 10 (notice of application for registered building consent) that seek the application of a condition to a registered building consent decision, but which has not been applied to that grant of registered building consent;
 - (b) “relevant objection” means an objection that is made in writing –
 - (i) relating to a material planning consideration and how it will have a detrimental impact on –
 - (A) that body’s ability to carry out its functions; or
 - (B) matters for which that body has responsibility; or
 - (ii) in the case of a local authority, setting out an objection relating to a detrimental impact on the quality of life of that authority’s residents.

18 Appeals under Part 3

- (1) Any potential appellant may appeal against—
 - (a) a registered building consent decision of the Department to –
 - (i) grant registered building consent (including any conditions attached to that grant of consent); or
 - (ii) refuse registered building consent; and
 - (b) a failure of the Department to make a registered building consent decision in respect of an application under Part 3 (application for registered building consent).
- (2) In the case of an appeal under paragraph 1(a), an appeal may only be submitted within 21 days of the date of notice of the registered building consent decision under regulation 12 (notice of decision).
- (3) In the case of an appeal under paragraph 1(b), an appeal must be submitted by the applicant after a period of 6 months has passed

beginning with the date that the Department was furnished with the application bundle or after a period of 8 weeks has passed following the submission of any documentation under regulation 8(4) or 8(8), whichever is later, if –

- (a) the application has not yet been determined; and
 - (b) there are no directions issued to the applicant under regulation 8(4) which have yet to be complied with.
- (4) An appeal must –
- (a) include –
 - (i) the grounds of appeal;
 - (ii) an election, if that is the appellant’s wish, to have the appeal determined by means of an inquiry together with the fee payable in respect of such an inquiry as prescribed by the Department in an order made under section 81 (grant of power to the Treasury, Departments and Statutory Boards) of the Interpretation Act 2015;
 - (b) be accompanied by the fee payable in respect of such an appeal as prescribed by the Department in an order made under section 81 of the Interpretation Act 2015; and
 - (c) be in writing and given to the Department.
- (5) The grounds of appeal referred to in paragraph (4)(a)(i) must –
- (a) on the part of a person who is not the applicant and is objecting (within the meaning given in regulation 17(2) (right to appeal under Part 3: registered building consent)) to the application, relate to issues which that person included in written representations made prior to the determination of the application under Division 2 of Part 3 (determination of registered building consent applications);
 - (b) on the part of the applicant –
 - (i) where the appeal is against a determination made under Division 2 of Part 3 (determination of registered building consent applications), specify in detail and by reference to material planning considerations the reasons why the appellant disagrees with the registered building consent decision;
 - (ii) where the appeal is against a refusal of the application on the grounds of deficient detail or supporting documentation, set out why the applicant considers that the information or documentation forming part of the application bundle was sufficient in the circumstances.

- (6) For the avoidance of doubt, the grounds of appeal cannot be based on a material alteration of the terms of the application given under regulation 8 (application for registered building consent: application bundle).
- (7) The Department must, as soon as reasonably practicable, forward to the CEO an appeal notice containing all documents and material it has received under this regulation.

19 Role of the CEO

- (1) Within 10 working days of the receipt of an appeal notice, the CEO must give a written notice to every appeal contributor –
 - (a) inviting written representations (including on whether the appeal should be determined by means of written representations or by means of an inquiry) to be given to the CEO within a period of 21 days beginning with the date of that invitation;
 - (b) stating that the appeal will be determined –
 - (i) by means of an inquiry where an appellant has so elected under regulation 18(4)(a)(ii) (appeals under Part 3);
 - (ii) where sub-paragraph (b)(i) does not apply, by means of written representations.
- (2) The CEO may extend the period referred to in paragraph (1)(a).
- (3) Notwithstanding paragraph (1)(b)(i), the appeal is to be determined by means of written representations where all appeal contributors (including the appellant) have, following the CEO's notice under paragraph (1), unanimously agreed that it should be determined by written representations.
- (4) For the purposes of paragraph (3), where no response is received from an appeal contributor, or their response does not set out a preference for the means of appeal, it shall be taken as an agreement to determine the appeal by means of written representations.
- (5) Where paragraph (1)(b)(ii) would otherwise apply, the appeal is to be determined by means of an inquiry where an appeal contributor has –
 - (a) made representations under paragraph (1)(a) for it to be determined by means of an inquiry; and
 - (b) enclosed, with those representations, the fee payable in respect of such an inquiry as prescribed by the Department in an order made under section 81 of the Interpretation Act 2015.
- (6) Paragraphs (7) to (9) apply where either –
 - (a) paragraph (1)(b)(ii) applies (and has not been displaced by paragraph (5)); or
 - (b) paragraph (3) applies.
- (7) The CEO must give a written notice to every appeal contributor –

- (a) informing them that the appeal is to be determined by means of written representations unless the planning inspector subsequently determines otherwise under regulation 20(1)(b) (role of the planning inspector);
 - (b) informing them where, and when, any written representations received under paragraph (1)(a) may be viewed (whether in hard copy form, electronic form, or in both forms);
 - (c) inviting additional written representations to be given within a period of 14 days beginning with the date of that invitation.
- (8) The CEO may extend the period referred to in paragraph (7)(c).
- (9) Upon the expiry of the period referred to in paragraph (1)(a) or, where applicable, paragraph (7)(c), the CEO –
- (a) must refer an appeal referred to in this regulation to a planning inspector stating whether, in accordance with this regulation, it is to be determined by means of an inquiry or by means of written representations; and
 - (b) where in accordance with this regulation, an appeal is to be determined by means of an inquiry –
 - (i) must make any written representations given under paragraph (1) or (7)(c) available to each appeal contributor prior to the date of the inquiry; and
 - (ii) may convene a pre-inquiry meeting on behalf of the planning inspector.
- (10) This regulation is without prejudice to regulation 20(1)(b) (role of the planning inspector).

20 Role of the planning inspector

- (1) Upon a reference from the CEO under regulation 19 (role of the CEO), the planning inspector –
- (a) must consider the application bundle, the written appeal, any written representations made in connection with them and any other material or information the planning inspector considers necessary in order to discharge the planning inspector's functions under this regulation;
 - (b) may, where regulation 19(1)(b)(i) or (5) (role of the CEO) does not apply, determine that the appeal should be determined by means of an inquiry where the planning inspector considers that any appeal contributor participating in the appeal would be unduly disadvantaged if the appeal was to be determined by means of written representations;
 - (c) may in the case of an appeal to be determined by means of an inquiry, hold a pre-inquiry meeting;

- (d) must, in the case of an appeal to be determined by means of an inquiry, give every appeal contributor, an opportunity to appear at a fixed time and place, to make oral representations and to call and examine witnesses; and
 - (e) may invite any Government Department (or Division of a Department), Manx National Heritage, Manx Utilities or any other person to provide technical advice.
- (2) Where, pursuant to paragraph (1)(b), the planning inspector determines that the appeal should be determined by means of an inquiry, the CEO must make any written representations available to all appeal contributors prior to the date of the inquiry.
- (3) Having considered the application, the written appeal, any representations made or any evidence or advice presented or submitted in respect of them, the planning inspector must give the CEO a written report which must include the planning inspector's recommendation in relation to the appeal, which also sets out –
- (a) the reasons for that recommendation; and
 - (b) regardless of the recommendation, in the event of a grant of registered building consent, any conditions that are recommended to be attached to that grant of registered building consent, and the reasons for them.

21 Determination by the Department

- (1) The Department must consider the report of the planning inspector and may consider any material provided under regulations 8, 10 to 12 and 17 to 19 and the Department –
- (a) must either allow or dismiss the appeal; and
 - (b) may in any case reverse or vary any part of its original registered building consent decision whether or not the appeal relates to that part of its original registered building consent decision.
- (2) As soon as practicable after its determination of the appeal, the Department must give every appeal contributor written notice of the decision (an “appeal decision notice”).
- (3) The Department's determination must not take effect until an appeal decision notice has been issued.
- (4) An appeal decision notice must –
- (a) set out the Department's decision and the reasons for it;
 - (b) in the event that the decision results in registered building consent being granted, set out any conditions attached to that grant of registered building consent, and the reasons for them;

- (c) include details of the times and place where the report of the planning inspector may be viewed whether in hard copy form or electronic form or both forms;
 - (d) if and to the extent that the Department's decision does not follow the recommendations of the planning inspector, state the reasons for not doing so;
 - (e) advise that the Department's decision is final and binding subject only to the possibility of judicial review by petition of doleance.
- (5) If it appears to the Department that an appeal decision notice contains a relevant error, the Department must give a notice to correct the relevant error ("correction notice") to those persons mentioned in paragraph (2) setting out the text of any correction subject to which the appeal decision notice is to be read.
- (6) A relevant error is —
- (a) an error of grammar, spelling or syntax;
 - (b) an error in the citation of relevant legislation;
 - (c) an obviously incorrect cross-reference;
 - (d) a clerical error or omission; or
 - (e) an error in transcription or expression.
- (7) Where a correction notice has been given the original appeal decision notice is to be treated for all purposes as if it had been made in the corrected form and, for the purposes of computation of time for judicial review by a petition of doleance, has effect as if the original appeal decision notice had been made on the date on which the correction notice is given.

DIVISION 3 – APPEALS UNDER PARTS 2 AND 3: GENERAL

22 Withdrawal of appeals under Parts 2 and 3

The appellant may withdraw an appeal by giving notice in writing to the CEO —

- (a) in the case of an appeal to be determined by means of an inquiry, no later than 7 days before the scheduled date for the inquiry;
- (b) in the case of an appeal to be determined by means of written representations, at any time before the expiry of the period referred to in regulation 14(7)(c) or 19(7)(c) (as the case may be) or that period as extended under regulation 14(8) or 19(8) (as the case may be).

23 Payment of costs for appeals under Parts 2 and 3

If the appellant fails without reasonable cause to appear at the time and place appointed under regulation 15(1)(d) or 20(1)(d) (role of the planning inspector) as the case may be, the Department may, within 14 days of the date of the notice under regulation 16 or 21 (determination by the Department) as the case may be, require the appellant to pay the whole, or a specified part of the costs and expenses incurred by the Department or any appeal contributor in connection with the appeal.

**PART 5 – APPLICATION FOR APPROVAL OF INFORMATION
REQUIRED BY CONDITIONS****24 Application for approval of information required by condition:
General**

- (1) An AIRC application must be submitted using an application form supplied by the Department and completed by the applicant.
- (2) The refusal of an application for AIRC does not prevent the applicant submitting a new application under paragraph (1).

25 Determination of an AIRC

The Department must refuse an AIRC application, if, in the view of the Department, the proposal does not provide the information set out in the condition in a manner that addresses the reason stated for the condition being attached.

26 Notice of decision

- (1) As soon as practicable after making a determination under regulation 25 (determination of an AIRC), the Department must give notice in writing of that decision (an “AIRC decision”) to the applicant.
- (2) Notice of an AIRC decision must set out –
 - (a) the decision on the application;
 - (b) the reasons for the decision; and
 - (c) where the decision has been to refuse the application, the effect of regulation 24(2).
- (3) If it appears to the Department that notice of an AIRC decision contains a relevant error, the Department must give a notice to correct the relevant error (“correction notice”) to the applicant setting out the text of any correction subject to which the AIRC decision is to be read.
- (4) A relevant error is –
 - (a) an error of grammar, spelling or syntax;

- (b) an error in the citation of relevant legislation;
 - (c) an obviously incorrect cross-reference;
 - (d) a clerical error or omission; or
 - (e) an error in transcription or expression.
- (5) Where a correction notice has been given the original notice of an AIRC decision is to be treated for all purposes as if it had been made in the corrected form.

27 Appeals from decisions of the Department

No appeal lies against the Department's —

- (a) AIRC decision; or
 - (b) failure to make an AIRC decision,
- in respect of an application under regulation 24.

PART 6 – MISCELLANEOUS, TRANSITIONAL AND REVOCATIONS

28 Decisions under section 14A of the Act: Determination by the Council of Ministers

- (1) Where section 14A (determination by the Council of Ministers) of the Act applies, the relevant provisions of these Regulations in relation to the registration of a building shall apply with the modifications set out in paragraph (2).
- (2) The exceptions and modifications are —
 - (a) in regulation 5(3) (notice of proposal to register or de-register a building or amend the register), the words “Department must not make a registration decision” shall be read as “Council of Ministers must not make a determination to register the building”;
 - (b) in regulation 6 (notice of registration decision)—
 - (i) in paragraph (1), after the word “sent” insert “by the CEO”; and
 - (ii) in paragraph (4), the word “Department” shall be read as “CEO”.
- (3) For the avoidance of doubt, where this regulation applies regulations 13 (appeals under Part 2: protected building register) to 16 (determination by the Department) and 22 (withdrawal of appeals under Parts 2 and 3) to 23 (payment of costs for appeals under Parts 2 and 3) do not apply.

29 Applications relating to Department Buildings

- (1) This regulation applies to buildings to which section 20(1) (building of Department) of the Act applies and in respect of which an application for registered building consent is made.
- (2) Any application to which paragraph (1) applies shall be referred to and determined by the planning committee.
- (3) Where —
 - (a) a decision is made in accordance with paragraph (2); and
 - (b) the Department wishes to appeal that decision,the appeal shall be determined by the Council of Ministers.
- (4) The relevant provisions of these Regulations shall apply to an application to which paragraphs (1) to (3) apply subject to —
 - (a) any necessary modifications; and
 - (b) the modifications in paragraph (5).
- (5) The modifications are —
 - (a) in regulation 21 (determination by the Department) —
 - (i) in paragraphs (1), (3) and (4), references to “the Department” shall be read as references to “the Council of Ministers”;
 - (ii) in paragraph (1)(b), references to “its” shall be read as references to “the”; and
 - (iii) in paragraph (2) and (5), references to “the Department” shall be read as references to “the CEO”.
- (6) In the case of buildings to which section 20(1) of the Act applies —
 - (a) Section 15(2) and (3) (control of works affecting registered building) of the Act is modified so that references to “the Department” are to be read as references to “the planning committee”; and
 - (b) paragraph 3 of Schedule 3 (variation or discharge of conditions) to the Act is modified so that references to “the Department” are to be read as references to “the planning committee”.

30 Other applications

The provisions of these Regulations apply with any necessary modifications to applications by a person interested in a registered building with respect to which registered building consent has been granted subject to conditions under paragraph 3 (variation or discharge of conditions) of Schedule 3 to the Act as they apply to applications for registered building consent.

31 Inquiry and written representation procedure

Schedule 1 applies to proceedings conducted by a planning inspector under these Regulations.

32 Savings and transitional provisions

- (1) Where, before these Regulations come into operation, an application for registered building consent or an application under paragraph 3 of Schedule 3 to the Act (“an existing application”) –
 - (a) has been made under the Town and Country Planning (Registered Buildings) Regulations 2013³ (“the 2013 Regulations”); and
 - (b) has not been finally determined, or disposed of, in accordance with the 2013 Regulations,that existing application is to be dealt with in accordance with the provisions of the 2013 Regulations and as if these Regulations had not been made.
- (2) Where section 15(8) (savings and transitionals) of the Town and Country Planning (Amendment) Act [2024] applies, the application referred to in that section is to be dealt with in accordance with the provisions of the 2013 Regulations and as if these Regulations had not been made.

33 Revocations

The Town and Country Planning (Registered Buildings) Regulations 2013⁴ is revoked.

MADE

CLARE BARBER

Minister for Environment, Food and Agriculture

³ SD 0432/13

⁴ SD 2013/0432

SCHEDULE 1

Regulation 31

INQUIRY AND WRITTEN REPRESENTATION PROCEDURE

1. Interpretation

In this Schedule —

“**inquiry**” means proceedings conducted by a planning inspector under regulations 15 or 20 (role of the planning inspector);

“**written representation procedure**” means proceedings conducted by a planning inspector under regulations 15 or 20 (role of the planning inspector) by consideration of written representations only.

2. Procedure at inquiry

- (1) Except as otherwise provided in this Schedule, the planning inspector is to determine the procedure at an inquiry.
- (2) At the start of the inquiry, the planning inspector must identify what are, in the planning inspector’s opinion, the main issues to be considered and any matters on which the inspector requires further explanation from persons entitled or permitted to appear.
- (3) Nothing in sub-paragraph (2) precludes any person entitled or permitted to appear at any inquiry from referring to issues that the inspector considers relevant to the consideration of the application or the appeal but which were not issues identified by that inspector under that sub-paragraph.
- (4) All appeal contributors must be given an opportunity to present evidence at an inquiry.
- (5) A person who is not an appeal contributor may only give evidence with the permission of the planning inspector.
- (6) At an inquiry —
 - (a) the Department opens proceedings and the appellant has the right of final reply unless, in any particular case, the planning inspector otherwise determines; and
 - (b) any other persons entitled or permitted to appear are to be heard in such order as the planning inspector may determine.
- (7) The planning inspector may, in respect of any person the planning inspector considers to be behaving in a disruptive manner require that person to leave and may also —

- (a) refuse to permit that person to re-join the inquiry on that person's return; or
 - (b) permit that person to return to the inquiry on such conditions as the planning inspector may specify.
- (8) A person referred to in sub-paragraph (7) may, in writing and before the close of the inquiry, submit to the planning inspector any evidence or other material.
- (9) A planning inspector may proceed with an inquiry in the absence of any person entitled to appear at it.
- (10) The planning inspector may take account of any written representations or evidence or any document received from any person before an inquiry opens or during the inquiry provided that the planning inspector discloses those representations or that evidence or document at the inquiry.
- (11) The planning inspector may from time to time adjourn an inquiry and, if the date and time of, and place where it is to be reconvened are announced at the inquiry before its adjournment, no further notice of those matters is required.
- (12) The planning inspector may, in respect of a building which is the subject of the application in question –
- (a) before the inquiry, make an unaccompanied inspection of it without prior notice being given to the persons entitled to appear at the inquiry;
 - (b) during an inquiry, –
 - (i) make an unaccompanied inspection of it without prior notice being given to the persons entitled to appear at the inquiry;
 - (ii) make an inspection of it in the company of the appellant, the Department or both;
 - (c) after the close of the inquiry, –
 - (i) make an unaccompanied inspection of it without prior notice being given to the persons entitled to appear at the inquiry;
 - (ii) make an inspection of it in the company of the appellant, the Department or both.
- (13) The planning inspector must inspect the building in accordance with paragraph (12) if requested, before or during the inquiry, to do so by the appellant or the Department.
- (14) In all cases where the planning inspector intends to make an accompanied inspection of the building, the planning inspector must,

during the inquiry, announce the date and time at which that inspection is to take place.

- (15) The planning inspector is not bound to defer an inspection of the building which is due to take place in the company of the appellant, the Department or both, if they not present at the appointed time.

3. Evidence

- (1) A person entitled to appear at an inquiry is entitled to call evidence and to cross-examine other persons at the discretion of the planning inspector.
- (2) The planning inspector may, where the inspector considers it would be irrelevant or repetitious, refuse to permit –
 - (a) the giving or production of evidence;
 - (b) the cross-examination of persons giving evidence; or
 - (c) the presentation of any other matter.
- (3) Where the planning inspector refuses to permit the giving of oral evidence, the person wishing to give that evidence may submit it or any other evidence in writing before the close of the inquiry.
- (4) The planning inspector may direct that facilities are afforded to any person appearing at an inquiry to take, or obtain, copies of documentary evidence open to public inspection.

4. Written representations procedure

- (1) Under the written representations procedure, the planning inspector must take into account all written representations from appeal contributors.
- (2) The planning inspector may make an unaccompanied inspection of the building which is the subject of the application at any time during consideration of the written representations without giving prior notice to –
 - (a) the Department;
 - (b) the appellant;
 - (c) the owner of the building if not the appellant;
 - (d) any other appeal contributor.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Town and Country Planning (Registered Building) Regulations 2013.

The required content of the Protected Building Register, as established under section 14(1) of the Town and Country Planning Act 1999 is provided for, as well as the notices required for new registrations, de-registrations and amendments to that register.

The regulations prescribe the information required to submit an application for Registered Building Consent, whether this be for future works or retrospective approval. The Department also retains the ability to automatically refuse duplicated applications without investigation where such a repeat application is received within 5 years of the original application. Requirements for provision of notices following an application, how an application is to be determined and how the determination is to be communicated are also included.

The appeals process for registered building consent decisions and registrations or amendments to the Protected Building Register is provided.

The application process and determination of applications for Approvals of Information Required by Condition, together with notices of such decisions and the inability to appeal such decisions is provided.

Finally, applications made by the Department under these Regulations is also provided for.