



# **Reform of the Planning System**

**Public Consultation in relation to  
proposed amendments to Increased  
Permitted Development**

**February 2020**

# INTRODUCTION

## What is the purpose of this consultation?

To seek views on proposed changes to secondary legislation to enable certain types of development to take place without the need for a specific planning application (sometimes called 'Permitted Development').

## What is being proposed?

Part 1 of the consultation focusses on minor alterations to existing sites and buildings (outside Conservation Areas) which could help to reduce carbon emissions, including:

- Air Source Heat Pumps;
- Electric Vehicle Charging Points;
- Replacement Conservatory Roofs;
- Solar Panels; and
- Cycle Shelters.

A proposed clarification in relation to household extensions and parking is also proposed.

Part 2 of the consultation proposes improvements to the changes of use which are allowed as permitted development including:

- expanding some of the town centre areas covered by Permitted Development for changes of use; and
- clarifying the requirements for windows with an outlook for changes to flats

More detailed information on the context for these changes and how they will be made is available in appendices 1 and 2.

## Why are these changes being made?

Most permitted development is set out in an Order made in 2012. In 2019 two new Orders were produced to give more flexibility in the use of land and buildings. This consultation focuses on the parts of the 2012 Order that have not been updated, to make a small number of targeted changes. This is in accordance with commitments made in the Programme for Government to expand permitted development, and also takes account of the recently published [Climate Change Action Plan](#).

## What is Permitted Development?

Before you can carry out development, you need planning approval. This approval can be specific (application) or by Development Order. A Development Order gives 'blanket' planning approval (aka permitted development) and can be subject to conditions/limitations.

Permitted development therefore:

- allows a **proportionate** level of Government intervention;
- gives **certainty and flexibility** to property owners and developers; and
- allows Government to **focus scarce resources** where they will do most good.

**Who is responsible for making Permitted Development Orders?**

Permitted Development Orders are within the remit of the Cabinet Office, whilst the determination of planning applications are the remit of the Department of Environment, Food and Agriculture (DEFA). The two Departments are working together to deliver a number of changes to the planning system. See: [www.gov.im/planningreform](http://www.gov.im/planningreform).

**How and when can I comment?**

Comments can be submitted via the Consultation Hub (accessed via <https://consult.gov.im/>). Alternatively, comments can be made by post or e-mail (a form is available at appendix 3) to:

Mr Steve Butler (Head of Development Management)

**Post:** Planning and Building Control Directorate, Department of Environment, Food and Agriculture, Murray House, Mount Havelock, Douglas, Isle of Man IM1 2SF

**Email:** [stevebutlerdefa@gov.im](mailto:stevebutlerdefa@gov.im)

**The closing date for comments is the 30<sup>th</sup> March 2020****What will happen next?**

After the consultation, the results will be reviewed and any necessary amendments made to the draft legislation. The Order will then be considered by Tynwald later in 2020.

## PART 1- PROPOSED OPERATIONAL PERMITTED DEVELOPMENT

### Air Source Heat Pumps

The current Order allows for the installation of ground and water heat source pumps and associated pipework within the curtilage of a dwelling house, as long as it is not within a Conservation Area. This does not presently include provision for Air Source Heat Pumps (ASHP's).

Numerous planning applications have been received and approved in recent months in relation to domestic properties and these are generally seen as acceptable in planning terms, provided that they are not unacceptably close to neighbour's windows, would not have an unacceptable visual impact, and meet criteria in terms of noise output. Most modern domestic ASHP's have a decibel range similar to or lesser than that of a normal human conversation, and noise generated is similar to that from oil-fired boilers.

As the majority of ASHP planning applications are considered acceptable, and with an increasing number of householders favouring energy efficient and eco-friendly home heating solutions, it was considered that such development would be suitable for inclusion in an updated Order.



**Figure 1: Air Source Heat Pump**

#### Proposal 1

A new class (23A) is added to Schedule 1, Part 2, Section A the Permitted Development Order (PDO) to allow blanket planning approval for domestic ASHP's outside Conservation Areas without the need for a planning application subject to the limitations set out below.

- It must not be sited closer than 1 metre from a boundary of the residential curtilage which abuts another residential property.
- It must not front onto any public highway.
- Only one heat pump may be installed on a property - additional air source heat pumps at the same property would require an application for planning permission.
- It shall not have a volume of the air source heat pump's outdoor compressor unit (including housing) exceeding 1 cubic metre.
- It shall not result in a noise level which exceeds 45 decibels at the boundary of the property;
- It must not be positioned more than 1 metre above ground level.
- It must be used only for heating purposes.

## Electric Vehicle (EV) Charging Points

Ownership of electric vehicles (EV's) has been steadily increasing in recent years, with that trend looking set to continue. As EV ownership increases, so too does the need for associated infrastructure including both public and domestic charging points.

Domestic EV charging points require planning permission at present, through the full planning application process. These installations are generally small however and positioned at the side of houses next to driveways. They can either be units mounted to a wall, or upstand charging points fixed to the ground.



**Figure 2: Wall mounted EVCP**



**Figure 3: Upstand EVCP**

### Proposal 2.1

A new class (14A) is added to Schedule 1, Part 2, Section A the PDO to allow blanket planning approval for domestic EVs outside Conservation Areas without the need for a planning application subject to the limitations set out below.

Wall-mounted installation shall not:

- exceed 0.2 cubic metres; or
- if within two metres of a highway, be mounted on a wall that faces onto that highway.

Free standing/ upstand installations shall not:

- exceed 1.6 metres in height from the level of the surface used for the parking of vehicles;
- be within two metres of a highway; and
- result in more than one upstand being provided for each parking space.

It is also likely that the installation of freestanding/upstand EVs will be desired in public car parks. This is considered to be akin to street furniture, which public bodies currently have permitted development rights to install. Public Bodies (Departments, Statutory Boards, Local Authorities or certain joint boards). It therefore excludes Manx Utilities.

### Proposal 2.2

A new class (Class 12A) is added to Schedule 1, Part 1 to allow freestanding/upstand EVs to allow blanket planning approval for these outside Conservation Areas without the need for a planning application where they are erected by a public body or Manx Utilities.

## Conservatory Roof Replacements

Conservatory roof replacements currently require planning permission, this includes the replacement of polycarbonate roofs with tiled or prefabricated roofs. A significant number of such applications are received every year, none of which have been refused. Generally, it is considered that there are two advantages to replacing polycarbonate roofs with tiled or other such roofing systems, whether traditional tiles or synthetic. The first is that such tiled roofs can often fit with the design of the main dwelling and look more attractive. The second is that modern tiled roof solutions can achieve better energy efficiency for the property by improving insulation.



**Figure 4: Polycarbonate roof**



**Figure 5: Tiled/Solid Roof**

### Proposal 3

A new class is added to the PDO (Class 24A) to Schedule 1, Part 2, Section B allow blanket planning approval for replacement of Conservatory Roofs outside Conservation Areas without the need for a planning application, subject to the limitations set out below.

- Any new conservatory roof shall not exceed the original conservatory roof, in respect of height, width or overhang by more than 0.2 metres.
- All tiling/roofing shall match, or be similar to, that of the main dwelling.

## Non-Domestic Solar Panels

Part 4 allows some of the permitted development which is allowed on dwelling houses on other buildings, but this does not include the installation of solar panels.

Class 29 of Schedule 1 allows the installation or replacement of roof mounted solar photovoltaic or solar thermal equipment on the roof of a dwelling house (or the roof of a building in the curtilage of a dwelling house) as long as:

- it does not extend more than 200mm beyond the plane of the roof slope; and
- it is not higher than the highest part of the roof excluding any chimney.

### Proposal 4

A new class is added to the PDO (Class 42) to Schedule 1, Part 4, allow to blanket planning approval for the installation of roof mounted solar panels on any building, outside Conservation Areas without the need for a planning application, subject to the same limitations as currently apply to dwelling houses.

## Cycle Shelters in Schools

As part of the Active Travel Strategy work is ongoing to encourage pupils and staff to cycle to schools. Many schools do not have suitable covered cycle shelters, and these normally require a full planning application. Recent applications for a 20 bike shelter have involved an area of 6 metres by 4.7 metres and had a curved roof which is 2.4 metres at its highest point.

### Proposal 5

A new class is added (Class 43) to Schedule 1, Part 4, allow the installation of cycle shelters within the curtilages of schools, outside Conservation Areas without the need for a planning application subject to the limitations set out below.

- Shelters may not be which have a height of more than 2.5 metres above ground level or a cumulative footprint of more than 30 metres.
- Shelters may not be constructed on any land which has been used as a playing field at any time in the last 5 years.
- Shelters may not be constructed less than 5 metres from any boundary of the curtilage of the school.
- Shelters may not be constructed which would result in a net loss in car parking spaces.

## Extensions to Dwelling houses

Class 14 (Extension of a dwelling house) currently indicates that the enlargement of a dwelling house (including the erection of an extension or conservatory) is allowed subject to limitations (in addition to the general ones about high voltage lines, rivers and trees) that it:

- must not exceed 4 metres in height above ground level;
- may not be nearer to any highway which bounds the curtilage of the dwelling house other than that part of the dwelling house nearest to that highway, or 20 metres, whichever is the nearer;
- may not be nearer than 1 metre to the boundary of the curtilage of the dwelling house; and
- the external finish must match the existing.

In addition, works are only allowed if, on completion of the works, at least 2 parking spaces (of at least 6 by 3.25 metres) remain within the curtilage of the dwelling house. This means that dwelling houses which have less than 2 parking spaces before any works take place cannot be extended, even if that extension would have no impact on the existing level of parking provision.

### Proposal 6

That Class 14 condition (g) be amended to read:

"operations within this class are allowed only if, on completion of the operations, either at least 2 car parking spaces remain within the curtilage of the dwelling house (each measuring no less than 6 metres by 3.25 metres) or there were less than 2 car parking spaces prior to the works taking place and there will be no net reduction in the amount of car parking as a result of the operations".

## **PART 2 – PROPOSED AMENDMENTS TO THE CHANGES OF USE ORDER**

In 2019 two new Orders were approved which provided more flexibility on changes between different uses within town centres areas identified on maps included within the order. This included various uses, such as shops, services and food & drink and changes and, at first floor or above, the potential to change to use as flats.

### **Changes to Maps**

In light of discussion made as the Order was passing through Tynwald, further refinement of this is proposed, to expand the maps for Castletown, Onchan and Port Erin, to better reflect existing retail/leisure areas.

#### **Proposal 7**

That the maps for Castletown, Onchan and Port Erin be expanded to include the areas shown in green on the maps available separately as part of this consultation.

### **Flats and definition of Primary Window**

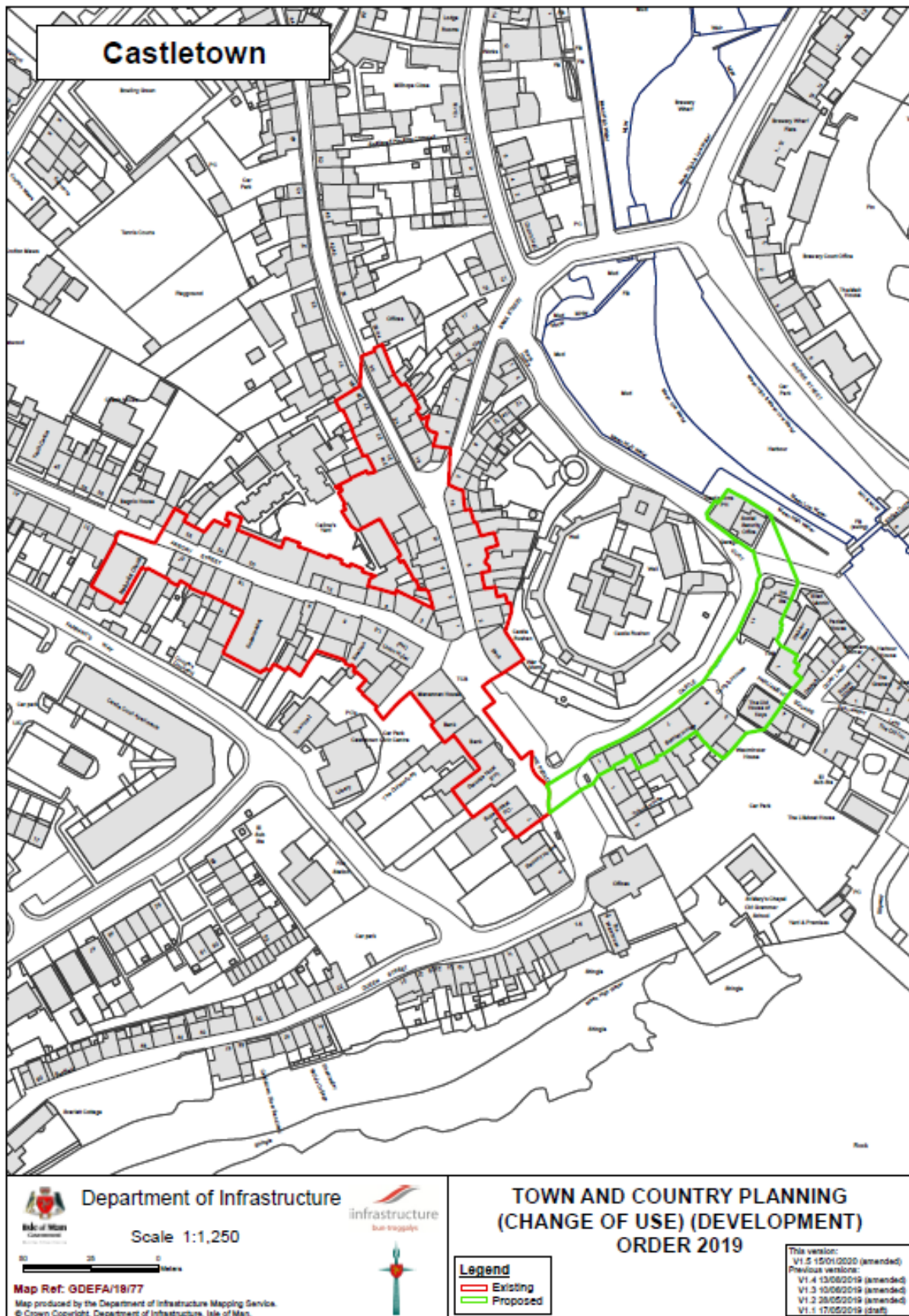
The Order allows the change of use of first-floor and above within designated areas to flats, subject to various conditions, one of which is that there is a primary window with a view of a highway (to ensure that there is a reasonable outlook). It has been noted that this definition could be improved.

#### **Proposal 8**

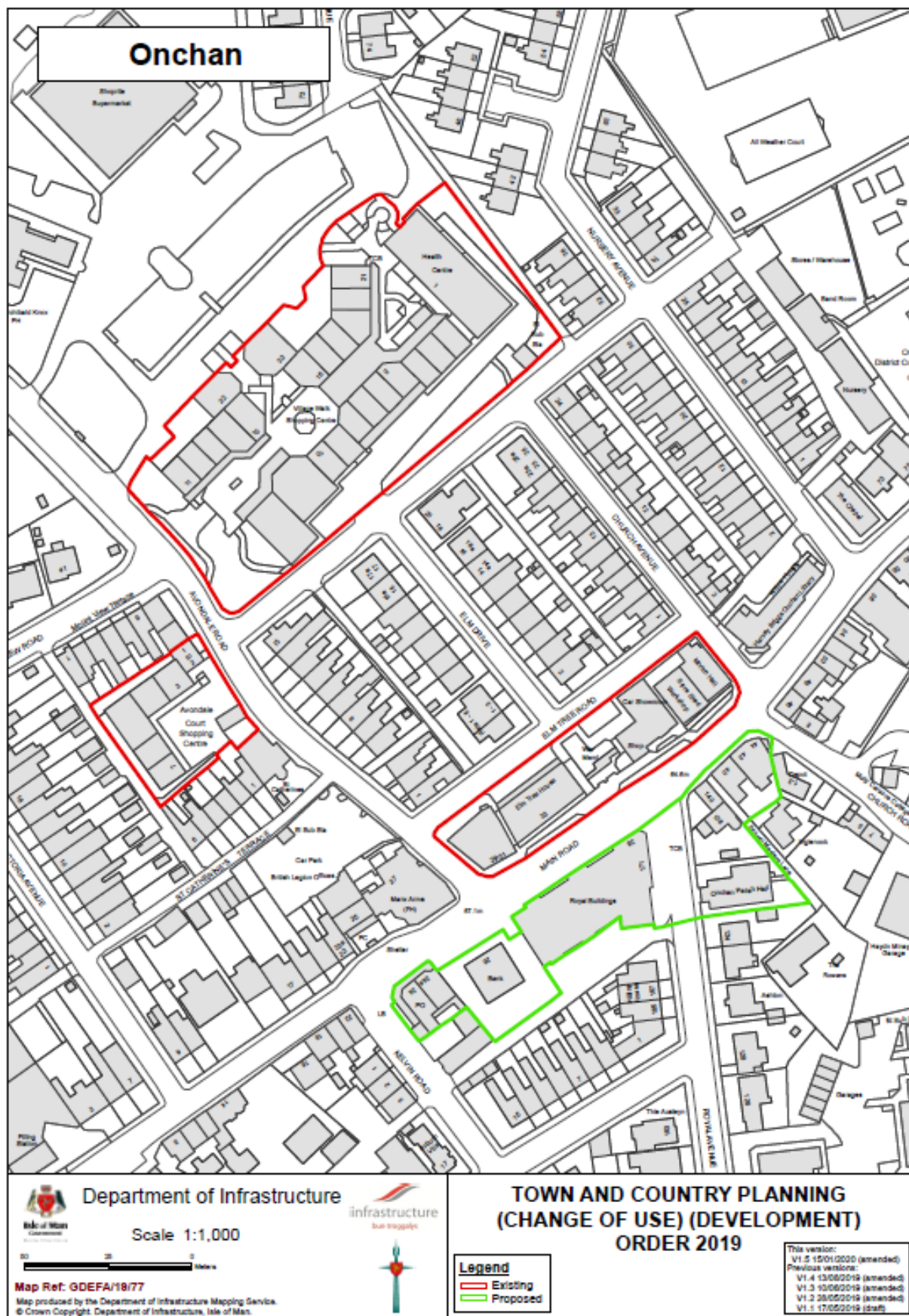
Replace the definition of Primary Window at Article 3(1) with, "a main window serving a living room, a dining room or a kitchen which includes dining facilities".



# Castletown

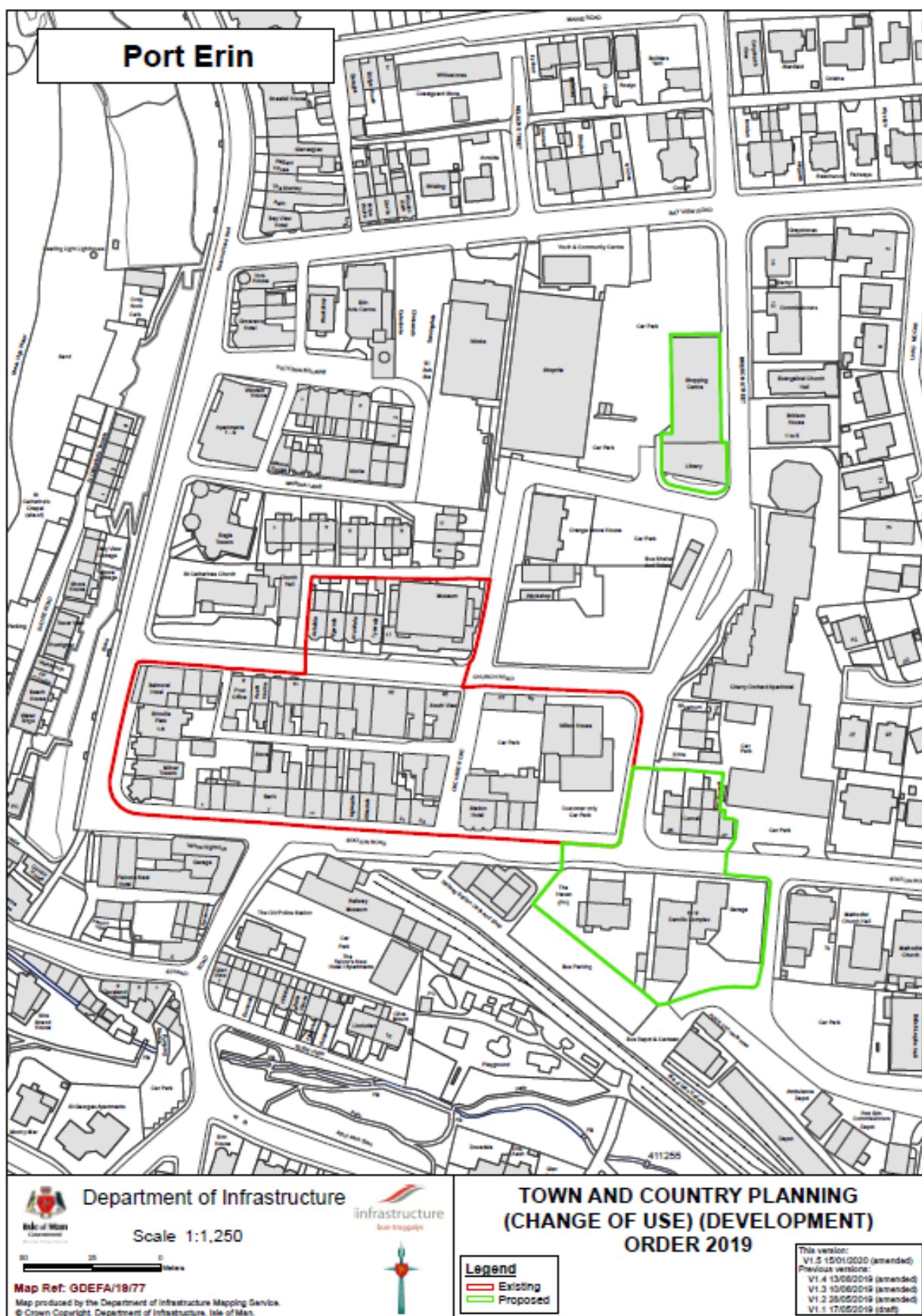


# Onchan





# Port Erin



## **Appendix 1- Additional Information for Part 1 – Proposed Operational Permitted Development**

### **Current Content**

The Town and Country Planning (Permitted Development) Order 2012 (as amended) has main text and two Schedules. It can be viewed [here](#) The main text includes some general conditions that apply to all forms of development within the Order, which includes preventing any changes which would create/materially alter a vehicular access onto a highway, or create an obstruction to those using the highway. Schedule 1 sets out operations that can be carried out only outside Conservation Areas and Schedule 2 sets out operations that can be carried out anywhere, including within Conservation Areas.

Schedule 1 (outside Conservation Areas) includes the works set out below.

- Part 1 – Statutory Undertakings (Services, highways, drainage, sewage, water supply, rail and tram way, gas and electric supply, Post Office and street furniture).
- Part 2A – Works to domestic houses (Greenhouses and poly tunnels, extensions, garden sheds and summer-houses, fences walls and gates, private garages and car ports, domestic fuel storage tanks, replacement of waste water treatment system, erection of flagpole, construction of decking, stand-alone solar panels and ground/water heat pumps).
- Part 2B – Works to domestic houses (Replacement windows and doors, installation of or removal of patio doors, replacement of a garage door - including with a window, satellite dishes, roof-lights, roof mounted solar panels).
- Part 3 – Aviation Operations.
- Part 4 – Miscellaneous (Demolition of part of a building, works to buildings which aren't dwelling houses - satellite dishes, installation of replacement doors and windows, construction of fences, walls and gates, forestry operations, closed-circuit television cameras).

Part 2 is subject to a number of limitations. Firstly, it does not relate to flats (the definition of dwelling house excludes them) and secondly it does not relate to land used in connection with a dwelling house where it is physically attached to it (the definition excludes land that is severed from it, e.g. by a service lane. Part 2A does not allow works which are close to overhead lines, rivers or which would involve works to trees.

Schedule 2 (anywhere, including Conservation Areas) includes limited work in relation to services, highways, sewage, water supply, rail and tram way, gas and electric supply.

### **Proposed Changes**

It is proposed to introduce a small number of new classes of development to the Schedules. It is also proposed to make one amendment to the existing provision for household extensions in Schedule 1. An Order will be produced to amend Schedule 1 (works outside Conservation Areas). The proposed scope of this Order is set out in Part 1 of the Consultation. It is not proposed to alter the main text of the Order, including the general conditions at Article 4(4), which apply to all types of development.

## **Appendix 2 - Additional Information for Part 2 – Amendments to the Changes of Use Order**

### **Current Content**

As originally drafted the 2012 Order set out use classes (Schedule 4) and permitted development for changes of use (Schedule 3). In 2019 two new Orders were approved – one replaced Schedule 3 and set out the use classes and one replaced Schedule 4 and set out a stand-alone Changes of Use Order.

For more information on the consultation process see: [here](#)

To view the final orders see: [here](#)

Amongst other things the Town and Country Planning (Change of Use) (Development) (No. 2) Order 2019 gave flexibility for town centre uses within defined areas within the settlements of Douglas, Castletown, Onchan, Ramsey, Peel and Port Erin. The Planning Officers which deal with applications work within area teams and so have familiarity with the areas they deal with. Using this Officer knowledge, the Development Plan Maps, aerial photographs and public consultation the potential defined areas were refined. The focus sought to balance:

- The policy context (as above);
- Having a clear and understandable boundary (ideally around one area);
- Focusing on existing land use; and
- Excluding large single 'stand-alone' sites (where a change of use may be excluded from the order in any case by the conditions within the Order, and where changes of use may be of sufficient wider interest to warrant consideration through the normal planning process).

### **Proposed Changes**

In light of discussion made as the Order was passing through Tynwald, further refinement of this is proposed, to expand the maps for Castletown, Onchan and Port Erin, to better reflect existing retail/leisure areas.

The Order allows the change of use of first-floor and above within designated areas to flats, subject to various conditions, one of which is that there is a primary window with a view of a highway (to ensure that there is a reasonable outlook). It has been noted that this definition could be improved.

## Appendix 3 – Response Form

| Question  | Responses   |
|---|---|
| <b>1. Background Questions</b>  |   |
| 1.1 What is your name?  | <i>Free Text</i>  |
| 1.2 What is your email address?   | <i>Free Text</i>  |
| 1.3 Are you responding on behalf of an organisation?  | Please select one of the following options: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>   |
| 1.4 If yes, what is the name of the organisation?   | <i>Free Text</i>  |
| 1.5 May we publish your response?<br><br><i>Please read our Privacy Policy for more information and your rights</i>                         | Please select one of the following options: <ul style="list-style-type: none"> <li>• Publish in full – your first name and surname, organisation name, along with full answers will be published on the hub (your email will not be published)</li> <li>• Publish anonymously – only your responses will be published on the hub (your name, organisation and email will not be published)</li> <li>• Do not publish – nothing will be published publically on the hub (your response will only be part of a larger summary response document)</li> </ul> |
| <b>Proposed Permitted Development outside Conservation Areas</b>  |   |
| Do you think the proposed changes to Permitted Development Outside Conservation Areas are appropriate?                                      | Please select one of the following options: <ul style="list-style-type: none"> <li>• Yes</li> <li>• Maybe – but I would suggest changes</li> <li>• No</li> </ul>  |
| Please explain the reason for your answer, including any suggested changes  | <i>Free Text</i>  |
| Are there any works which you think should be made Permitted Development which are not currently and are not proposed in this consultation? | Please select one of the following options: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>   |
| If you have answered yes, please give details   | <i>Free Text</i>  |
| <b>Amendments to the Changes of Use Order</b>   |   |
| Do you think the proposed changes to the Castletown, Onchan and Port Erin Maps are appropriate?   | Please select one of the following options: <ul style="list-style-type: none"> <li>• Yes</li> <li>• Maybe – but I would suggest changes</li> <li>• No</li> </ul>  |
| Please explain the reason for your answer, including any suggested changes  | <i>Free Text</i>  |
| Are there any other changes to any of the 6 maps within the existing order works which you think should be made?                            | Please select one of the following options: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>   |
| If you have answered yes, please give details   | <i>Free Text</i>  |
| Do you think the proposed definition for Primary Windows is appropriate?  | Please select one of the following options: <ul style="list-style-type: none"> <li>• Yes</li> <li>• Maybe – but I would suggest changes</li> <li>• No</li> </ul>  |
| Please explain the reason for your answer, including any suggested changes  | <i>Free Text</i>  |

