

SECTIONS 8, 9 AND 11

THE TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER

[1st January, 1972]

Sl. 133/1971

Sl. 12/1974

Sl. 95/1975

ARRANGEMENT OF ARTICLES

1. Citation.
2. Application.
3. Interpretation.
4. Permitted development.
5. Directions restricting permitted development.
6. Applications for planning permission.
7. Directions restricting the grant of permission.
8. Development not according with the development plan.
9. Directions requiring consultation.
10. Reference of applications to the Minister.
11. Appeals.
12. Register of applications.
13. Directions and notices.
14. Savings.

1 This Order may be cited as the Town and Country Planning General Development Order.

2 (I) This order shall apply to all land in Seychelles.

(2) Nothing in this order shall apply to any permission which is deemed to be granted under section 21 of the Act.

3 In this order, unless the context otherwise requires-

"aerodrome" means any area of land or water designed, equipped set apart or commonly used for affording facilities for the landing or departure of aircraft;

"building" includes any structure or erection and any part of a building as so defined, but does not include plant or machinery comprised in a building;

"dwelling house" does not include a building containing one or more flats;

"flat" means a separate and self-contained set of premises constructed for use for the purposes of a dwelling and forming part of a building from some other part of which it is divided horizontally;

"mining operations" means the winning and working of mineral in, on or under land, whether by surface or underground working;

"original dwelling house" means, in relation to a dwelling house existing on the appointed day, as existing on that day; and in relation to a dwelling house built on or after the appointed day, as so built;

"planning authority" means the Town and Country Planning Authority established by section 3 of the Act;

"reserved matters" in relation to an outlying planning permission or an application for such permission, means any matters in respect of which details have not been given in the application and which concern the siting, design or external appearance of the building to which the planning permission or the application relates, or the means of access to the building;

4 (1) Subject to the subsequent provisions of this order, development of any class specified in Schedule I to this order is permitted by this order and may be undertaken upon land to which this order applies, without the permission of the planning authority or the Minister:

Provided that the permission granted by this order in respect of any such class of development shall be subject to any condition or limitation imposed in the said Schedule I in relation to that class.

(2) Nothing in this article or in Schedule I shall operate so as to permit any development contrary to a condition imposed in any permission granted under Part IV of the Act otherwise than by this order

5 If the Minister is satisfied that it is expedient that development of any of the classes specified in Schedule I should not be carried out in any particular area, or that any particular development of any of those classes should not be carried out, unless permission is granted on an application in that behalf, the Minister may direct that the permission granted by article 4 shall not apply to-

- (a) all or any development of all or any of those classes in any particular area specified in the direction; or
- (b) any particular development specified in the direction, falling within any of those classes.

(2) Notice of any direction specifying any particular area given under paragraph (1) (a) of this article shall be published by the planning authority in a local newspaper and on the same or a subsequent date in the Gazette, and such notice shall contain a concise statement of the effect of the direction and

name a place or places where a copy thereof and of a map defining the area to which it relates may be seen at all reasonable hours; and any such direction shall come into force on the date on which notice thereof is first published.

(3) Notice of any direction specifying any particular development given under paragraph (1) (b) of this article shall be served by the planning authority on the owner and occupier of the land affected, and any such direction shall come into force on the date on which notice thereof is served on the occupier, or if there is no occupier, on the owner.

6 (1) An application to the planning authority for planning permission shall be made on a form issued by the planning authority and obtainable from that authority and shall include the particulars required by such form to be supplied and be accompanied by a plan sufficient to identify the land to which it relates and such other plans and drawings as are necessary to describe the development which is the subject of the application, together with such additional number of copies (not exceeding 3) of the form and plans and drawings as may be required by the planning authority; and the planning authority may by a direction in writing addressed to the applicant require such further information as may be specified in the direction to be given to them in respect of an application for permission made to them under this paragraph, to enable them to determine that application.

(2) Where an applicant so desires, an application, expressed to be an outline application, may be made under the preceding paragraph for permission for the erection of a building subject to the subsequent approval of the authority with respect to any matters relating to the siting, design or external appearance of the building, or the means of access thereto including the arrangements for the supply of water and electricity and a satisfactory system for the disposal of sewage, in which case particulars and plans in regard to those matters shall not be required and permission may be granted subject as aforesaid (with or without other conditions) or refused provided that-

- (i) where such permission is granted, it shall be expressed to be granted under this paragraph on an outlying application and the approval of the authority shall be required with respect to the matters reserved in the permission before any development is commenced;
- (ii) where the planning authority in the grant of such permission imposes a time limit for the submission of an application for the approval of reserved matters, failure to comply with that time limit shall render that permission null and void;
- (iii) where the authority are of opinion that in the circumstances of the case the application for permission ought not to be considered separately from the siting or the design or external appearance of the buildings, or the means of access thereto including the arrangements for the supply of water, electricity and a satisfactory system for the disposal of sewage, they shall within the period of one month from receipt of the outline application notify the applicant that they are unable to entertain such application, specifying the matters as to which they require further information for the purpose of arriving at a decision in respect of the proposed development; and the applicant may either furnish the information so required (in which event the application shall be treated as if it had been received on the date when such information was furnished and had included such information) or appeal to the

Minister under section II of the Act within one month of receiving such notice, or such longer period as the Minister may at any time allow, as if his outline application had been refused by the authority.

(3) An application for approval of reserved matters required by the last preceding paragraph shall be in writing, shall give particulars sufficient to identify the outline planning permission in respect of which it is made and shall include such particulars and be accompanied by such plans and drawings as are necessary to deal with the matters reserved in the permission together with such additional number of copies of the application and plans and drawings as were required in relation to the application for permission.

(4) Any application made under this article shall be lodged with the planning authority.

(5) On receipt of any such application the planning authority shall send to the applicant an acknowledgment thereof in the terms (or substantially in the terms) set out in Part I of Schedule 2.

(6) The planning authority may by a direction in writing addressed to the applicant require to be produced to an officer of the authority such evidence in respect of an application for permission made to them as they may reasonably call for to verify any particulars of information given to them.

(7) The period within which the planning authority shall give notice to an applicant of their decision or of the reference of an application to the Minister shall be three months from the date of receipt by them of the application or such extended period as may at any time be agreed upon in writing between the applicant and the planning authority.

(8) Every such notice shall be in writing and where the planning authority decide to grant such permission or approval subject to conditions or to refuse it, they shall state their reasons for the decision in writing, and sent with the decision a notification in the terms (or substantially in the terms) set out in Part II of Schedule 2.

(9) The planning authority shall furnish to the Minister and to such other persons as may be prescribed by directions given by the Minister (which directions the Minister is hereby authorised to give) such information as may be so prescribed with respect to applications made to them under this article including information as to the manner in which any such application has been dealt with.

7 (1) The Minister may give directions restricting the grant of permission by the planning authority during such period as may be specified in the directions, in respect of any such development or in respect of development of any such class as may be so specified.

(2) Where a direction has been given under this article, the planning authority shall deal with applications for permission for development to which such direction relates in such manner as to give effect to the terms of the direction.

8 The planning authority may in such cases and subject to such conditions as may be prescribed by directions given by the Minister (which directions the Minister is hereby authorised to give) grant permission for development which does not accord with the provisions of the development plan in force.

9 The Minister may give directions to the planning authority requiring the authority to consult with the authorities or persons named in such directions in any case or class of case which may be specified in such directions and, before determining any application for permission in any such case or class of case, the planning authority shall enter into consultation accordingly.

10 On referring any application to the Minister under section 10 of the Act, pursuant to a direction in that behalf, the planning authority shall serve on the applicant notice of the terms of the direction and of any reasons given by the Minister for issuing the direction, and such notice shall inform the applicant that the application has been referred to the Minister, and shall contain a statement that the Minister will, if the Minister considers it expedient, afford to the applicant an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose, and that the decision of the Minister on the application will be final.

11 (1) Any person who desires to appeal -

- (a) against a decision of the planning authority refusing permission to develop land or approval of any reserved matter required under this order, or granting permission or approval subject to conditions; or
- (b) on the failure of the planning authority to give notice of their decision or of the reference of the application of the Minister,

shall give notice of appeal to the Minister, on a form obtained from the Minister, within one month of receipt of notice of the decision or of the expiry of the appropriate period allowed under article 6(7) of this order, as the case may be, or such longer period as the Minister may at any time allow.

(2) Such person shall also furnish to the Minister a copy of the following documents-

- (i) the application made to the planning authority;
- (ii) all relevant plans, drawings and particulars submitted to them;
- (iii) the notice of the decision, if any;
- (iv) all other relevant correspondence with the planning authority.

12 (1) The planning authority shall keep a register containing the following information, namely:-

- (a) particulars of every application for permission for development made to them, including the name and address of the applicant, the date of the application, and brief particulars of the development forming the subject of the application;
- (b) particulars of any direction given under the Act or this order in respect of the application;
- (c) the decision (if any) of the planning authority in respect of the application and the date of such decision;

(d) the date and effect of any decision of the Minister in respect of the application, whether on appeal or on a reference under section 10 of the Act;

(e) the date of any subsequent approval given in relation to the application.

(2) Such register shall include an index, which shall be in the form of a map unless the Minister approves some other form, for enabling a person to trace any entry in the register.

(3) Such register shall be kept at the office of the planning authority.

(4) Every entry in such register consisting of particulars of an application shall be made within 14 days of the receipt of such application.

13 (1) Any power conferred by this order to give a direction shall be construed as including power to cancel or vary the direction by a subsequent direction.

(2) Any notice or other document to be served or given under this order may be served or given in the manner prescribed by section 34 of the Act.

SCHEDULE 1

PART I

The following development is permitted under article 4 of this order subject to the conditions set out opposite the description of that development in column (2). The references in that column to standard conditions are to the conditions numbered and set out in Part II.

Column (1) Description of Development	Column (2) Conditions
Class I - Development within the curtilage of a dwelling house 1. The enlargement, improvement or other alteration of a dwelling house so long as the enlargement, improvement or other alteration is not or does not consist of a container or a satellite dish and the cubic content of the original dwelling house (as ascertained by external measurement) is not exceeded by more than one sixth, provided that the erection of a garage, stable, loosebox, or coach-house within the curtilage of the dwelling house shall be treated as the enlargement of the dwelling house for the purpose of this permission. 2. The erection, construction or placing, and the maintenance, improvement or other alteration, within the curtilage of a dwelling	1. The height of such building shall not exceed the height of the original dwelling house. 2. No part of such building shall project beyond the forward-most part of the front of the original dwelling house. 3. Standard conditions 1 and 2. 1. The height shall not exceed, in the case of a building with a ridged roof,

house, of any building or enclosure (other than a dwelling, garage, stable, loosebox or coach-house) required for a purpose incidental to the enjoyment of the dwelling house as such, including the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwelling house provided:	12 feet, or in any other case, 10 feet. 2. Standard conditions 1 and 2.
Column (1) Description of Development	Column (2) Conditions
that the building or enclosure is not or does not consist of a container or a satellite dish. Class II - Sundry minor operations The erection or construction of gates, fences walls or other means of enclosure not exceeding 4 feet in height and the maintenance, improvement or other alteration of any gates, fences, walls or other means of enclosure. Class III - Temporary buildings. The erection or construction on land in, on, over or under which operations, other than mining operations, are being or about to be carried out in pursuance of planning permission granted under Part IV of the Act, of buildings, works plant or machinery needed temporarily in connection with those operations, for the period of such operations. Class IV - Forestry buildings and works The carrying out on land used for the purposes of forestry (including afforestation) of building and other operations (other than the provision or alteration of dwellings) requisite for the carrying on of those purposes, and the formation, alteration and maintenance of private ways on such land.	1. No improvement or alteration shall increase the height above the height appropriate for a new means of enclosure. 2. Standard conditions 1 and 2 1. Such buildings, works, plant or machinery shall be removed at the expiration of that period. 2. Standard conditions 1 and 2. 1. The height of any buildings or works within 2 miles of the perimeter of an aerodrome shall not exceed 10 feet. 2. No part of any buildings (other than movable structures) or works shall be within 80 feet of the metalled portion of any road used by vehicular traffic. 3. Standard conditions 1 and 2.
Column (1) Description of Development	Column (2) Conditions
Class V - Agriculture rural reserve zones The carrying out in agricultural or rural reserve zones, as defined	1. The ground area covered by any building erected pursuant to this permission shall not, either by itself or

in the develop- ment plan in force, of building or engineer- ing operations requisite for the use of that land for the purposes of agriculture, other than the placing on land of structures not designed for these purposes or for the provision and alterations of dwellings.	after the subsequent additional thereto exceed 2,000 square feet. 2. The height of any building or works shall not exceed 20 feet. 3. No part of any building (other than movable structures) shall be within 80 feet of any road used by vehicular traffic. 4. All materials used in the construc- tion of the wall and roof of such deve- lopment shall be approved by the planning authority. 5. Standard Conditions 1 and 2.
---	---

PART II

Column (1) Description of Development	Column (1) Description of Development
Dwelling houses under 1,000 sq. ft. superficial area. The erection of a dwelling house or the extension of an existing dwelling house so long as the total superficial floor area (as ascertained by external measurement) does not exceed 1,000 sq. ft. subject to the conditions in Column (2), provided that the dwelling house is for the personal occupation of the applicant.	1. A site plan is submitted showing the proposed curtilage of the dwelling house and the relative position of the proposed dwelling house within the curtilage to a scale not less than 1/500. The size of the proposed dwelling house and distance to boundaries must be clearly shown. 2. A location plan is submitted to a scale not less than 1/10,000 showing the position of the proposed dwelling house in relation to the district.

Column (1) Description of Development	Column (2) Conditions
--	--------------------------

	3. Authorisation is obtained from the planning authority upon the undertaking of the application to: (a) comply with the provisions of the development Plan in force; (b) comply with the requirement of public health; (c) comply with standards as published from time to time by the planning authority regarding the construction and finish roofs, walls and foundations, or comply with other type plans authorised by the planning authority. 4. Standard Conditions 1 and 2.
--	---

PART III

Standard Conditions

1. The permission shall not authorise any development which involves the formation, laying out or material widening of a means of access to any road used by vehicular traffic.
2. No development shall be carried out which creates an obstruction to the view of persons using any road used by vehicular traffic at or near any bend, corner, junction or intersection so as to be likely to cause danger to such persons.

SCHEDULE 2

PART I

Notification to be sent to Applicant on receipt of his Application

Your application dated (insert date) has been received and, if on (insert date of expiry of the appropriate period under article 6 (7)) you have not been given notice by the planning authority of their decision, you are entitled, unless the application has already been referred by the authority to the Minister, to appeal to the Minister in accordance with section 11 of the Town and Country Planning Act by notice served within one month from that date. Appeals must be made on a form which is obtainable from the planning authority. You may, however, by agreement in writing with the planning authority, extend the period within which the decision of the authority is to be given.

PART II

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions.

(To be endorsed on notices of decision).

(1) If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Minister in accordance with section 11 of the Town and Country Planning Act within one month of receipt of this notice. (Appeals must be made on a form which is obtainable from the planning authority). The Minister has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise his power unless there are special circumstances which excuse the delay in giving notice of appeal. The Minister is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

(2) In certain circumstances, a claim may be made against the planning authority for compensation, where permission is refused or granted subject to conditions by the Minister on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Part V of the Town and Country Planning Act.
