

PERMITTED DEVELOPMENT REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title
 2. Interpretation
 3. Application
 4. Permitted development
 5. Directions restricting permitted development
 6. Amendment of schedules
- SCHEDULE 1: Permitted development
SCHEDULE 2: Advertisements the display of which may be undertaken without express consent
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PERMITTED DEVELOPMENT REGULATIONS – SECTION 89

(Legal Notice 44/1990)

Made by the Governor

Commencement

[15 October 1990]

Short title

1. These Regulations may be cited as the Permitted Development Regulations.

Interpretation

2. (a) In these Regulations—

“garage” means a place where motor vehicles are bought and sold, stored, repaired and maintained;

“Government building” means any building or part of a building where the business of the Government is normally carried on and includes a Government school building;

“service station” means a shop for the sale of petrol and petroleum products where motor vehicles are washed, lubricated or otherwise maintained;

“shop” means a building used for the carrying on of any retail trade or retail business wherein the primary purpose is the selling of goods by retail, and includes a building used for the purposes of a hairdresser, travel agency or for the reception of goods to be washed, cleaned or repaired but does not include a building used for the purposes of a funeral undertaker, garage, petrol filling station, service station, office, bank, grocery, betting office, restaurant or other place for the sale of prepared food, hotel or premises for the sale of intoxicating liquors for

consumption on the premises, a lumber yard or premises for the sale of builders' materials or motor vehicle parts or accessories;

"Standard Conditions" means the Standard Conditions set out in Schedule 3 of the Development Permission Regulations;

"undeveloped Crown land" means Crown land on which there are no permanent buildings and no person habitually residing and includes Crown land in respect of which engineering or mining operations have taken place or are taking place.

(b) In Schedule 2, Part I—

"business premises" means any building normally used for the carrying on of any professional, commercial or industrial undertaking, or any building (other than an institution in respect of which advertisements of Class II (c) may be displayed) normally used for the provision therein of services to members of the public or of an association, and includes public restaurants, licensed premises and places of public entertainment, but in the case of any building used principally for residential purposes includes only that part of the building normally used as business premises;

"ground level", in relation to the display of advertisement on any building, means the ground floor level of that building;

"recreational" in relation to an institution shall not apply to any institution for the carrying on of sports, games or physical training primarily as a commercial undertaking.

Application

3. These Regulations shall apply to all land in the Islands except—

- (a) undeveloped Crown land, other than undeveloped Crown land in respect of which a lease has been granted;
- (b) land within a conservation area declared under the Ordinance;
- (c) land within any declared area under the National Parks Ordinance;
- (d) land within any declared area under the Aerodromes and Air Navigation Aids Ordinance;
- (e) land designated by any approved plan as being land where these Regulations will not apply.

Permitted development

4. (1) Subject to the provisions of these Regulations, development of any class specified in column 1 of Schedule 1, is to the extent and subject to the conditions specified in column 2 of Schedule 1, and the standard conditions, permitted development and may be undertaken upon land to which these Regulations apply without the requirement to apply for or obtain a grant of development permission.

(2) Subject to the provisions of these Regulations, the advertisements specified in the first part of Schedule 2 are to the extent specified and subject to the standard conditions, permitted development, and may be displayed upon land to which these

Regulations apply without the requirement to apply for or obtain a grant of development permission.

(3) Nothing in this Regulation or the Schedules shall operate to permit any development:

- (a) contrary to a condition imposed in any permission granted under Part V of the Ordinance otherwise than by these Regulations;
- (b) in Classes 1, 2 and 3, which involve the formation, laying out or material widening of a means of access to a public highway;
- (c) in Classes 1, 2, 3 and 4, 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.

Directions restricting permitted development

5. (1) Where the Minister considers that it is in the interests of the proper planning and development of any land, that development of any of the classes specified in Schedule 1 or any particular development of any of those classes or any advertisements specified in Schedule 2, should not be carried out or displayed unless a grant of development permission is applied for and obtained, he may direct that the permission granted by regulation 4 shall not apply to—

- (a) all or any development of all or any of those classes or all or any advertisement specified in Schedule 2 in any particular area specified in the direction; or
- (b) any particular development or advertisement specified in the direction, falling within any of those classes, or as the case may be, Schedule 2.

(2) A direction made under paragraph (1) shall—

- (a) clearly specify by words and where relevant, map references, the development or advertisement and the land to which it applies;
- (b) be published in the *Gazette*;
- (c) be given such other publicity by the Director as will bring it to the attention of persons likely to be affected by it;
- (d) be made available for inspection at the offices of the Department of Planning, and where such direction applies to land in an Island other than Grand Turk, at the Department of Planning office, or at the District Commissioner's office if there is no such departmental office, on that Island at all reasonable hours.

Amendment of Schedules

6. The Governor may by Order published in the *Gazette* amend, add to, delete from, or modify the Schedules.

SCHEDULE 1

PERMITTED DEVELOPMENT

(Regulation 4(1))

Column 1 DESCRIPTION OF DEVELOPMENT	Column 2 CONDITIONS
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Class 1 – Temporary Buildings

The provision, erection or construction on land, in, over or under which development, other than mining, is being or about to be carried out in pursuance of a grant of the development permission under Part V of the Ordinance, of buildings, other than buildings for residential occupation, works, plant or machinery needed temporarily in connection with those operations for the period of such operations.

1. All such buildings, works, plant or machinery shall be removed at the end of the operations in connection with which they were used and the site on which they were placed, erected or used shall be cleaned up and if it was an area of natural vegetation re-planted with vegetation similar to that existing before such buildings, works, plant or machinery were placed, erected or used on the site.

Class 2 – Temporary Uses

The use of land unoccupied by buildings for any purpose for a period not exceeding thirty days in total in any one calendar year and the erection or placing of moveable structures on that land for that use.

1. All such moveable structures shall be removed at the end of each occasion of temporary use.

Class 3 – Development by Government and other public authorities and utilities.

(a) Repairs and maintenance

The repair, improvement and maintenance of any bridge, any public dock or harbour, or buildings connected therewith, any public airport or buildings connected therewith any government buildings or other public buildings and installations.

1. No improvement shall enlarge any building to which this paragraph of this class applies beyond 5 *per centum* of the original volume of the building.

2. All development to which this paragraph of this class applies shall be notified to the Director prior to its commencement.

3. Any land that is opened up shall be reinstated to the satisfaction of the Director.

(b) Minor structures

The placing on land or the erection, construction, maintenance, improvement or other alteration of information kiosks, street furniture, refuse tins, street lighting, signs and other installations, in connection with road, airport or dock and harbour safety, and such small ancillary building or works as may be required to operate any public or communal facilities.

1. No improvement shall enlarge any structure to which this paragraph of this class applies beyond 5 *per centum* of the original volume of the structure.

2. All development to which this paragraph of this class applies shall be notified to the Director prior to its commencement.

Class 4 – Change of Use

Use of not more than one room in a dwelling house as a shop, office or place for the offering of professional or educational services to members of the public.

1. The area of non-residential use shall not exceed twenty *per centum* of the ground floor area of the house.

SCHEDULE 2

**ADVERTISEMENTS THE DISPLAY OF WHICH MAY BE
UNDERTAKEN WITHOUT EXPRESS CONSENT**

(Regulation 4(2))

Specified Classes

Advertisements of the following classes may be displayed without express consent, subject to the provisions of this Schedule and to the power of the Minister by notice served under regulation 5 to require application for express consent to be made—

Class I

Functional advertisements of Government departments and persons or bodies acting under statutory powers.

Advertisements employed wholly for the purposes of announcement or direction in relation to any of the functions of Government departments and persons or bodies acting under statutory powers, being advertisements which are reasonably required to be displayed in the manner in which they are displayed in order to secure the safe or efficient performance of those functions and which cannot be displayed as such, or in such manner, under the provisions of this regulation relating to advertisements of any other of the specified classes.

Class II

Miscellaneous advertisements relating to premises on which they are displayed—

- (a) advertisements for the purposes of identification, direction or warning with respect to the land or buildings on which they are displayed, and not exceeding 2 sq. ft. in area in the case of any such advertisement;
- (b) advertisements relating to any person, partnership or company separately carrying on a profession, business or trade at the premises where any such advertisement not exceeding 3 sq. ft. in area, in respect of each such person, partnership or company;
- (c) advertisements relating to any institution of a religious, educational, cultural, recreational, medical, or similar character situate on the land on which any such advertisement is displayed; limited to one advertisement, not exceeding 12 sq. ft. in area, in respect of each such premises.

Class III

Certain advertisements of a temporary nature—

- (a) advertisements relating to the sale or letting of the land on which they are displayed, limited in respect of each such sale or letting, to one advertisement not exceeding 10 sq. ft. in area;
- (b) advertisements relating to the carrying out of building or similar work on the land on which they are displayed, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of carrying out such work; limited to one advertisement not exceeding 10 sq. ft. in area;
- (c) advertisements announcing any local event of a religious, educational, cultural, political, social, or recreational character, and advertisements relating to any temporary matter in connection with an event or local activity of such a character, not in either case being an event or local activity promoted or carried on for commercial purposes; limited to a display of advertisements occupying an area not exceeding a total of 6 sq. ft. on any premises.

Class IV

Advertisements on business premises.

(1) Advertisements displayed on business premises wholly with reference to all or any of the following matters—

The business or other activity carried on, the goods sold or services provided and the name and qualifications of the person carrying on such business or activity or supplying such goods or services, on those premises:

Provided that the space which may be occupied by such advertisements on any external face of a building shall not exceed one twelfth of the overall area of that face up to a height of 11 ft. from ground level, and the area occupied by any such advertisement, however

affixed to a building, shall be computed as if the said advertisement as a whole were displayed against the face of the building.

(2) Consent deemed to be granted by virtue of these Regulations for the display of advertisements of the foregoing descriptions shall be subject to the following conditions in addition to the standard conditions—

- (a) no such advertisements, other than an advertisement of Class I, shall contain letters, figures, symbols, emblems or devices of a height exceeding 2 ft. 6 ins;
- (b) no such advertisement, other than an advertisement of Class I, shall be displayed so that the highest part of the advertisement is above 15 ft. from ground level:

Provided that an advertisement relating to the sale or letting of any part of a building above such height limit may be displayed on or below that part of the building at the lowest level above that limit at which it is reasonably practicable to display an advertisement;

- (c) no such advertisement shall be illuminated except as follows —
 - (i) advertisements of Class I illuminated in a manner reasonably required to achieve the purpose of the advertisement;
 - (ii) advertisements of Class II or Class IV for the purpose of indicating that medical or similar services or supplies are available at the premises on which they are displayed, and illuminated in a manner reasonably required for that purpose.