



2011 CHAPTER 25

PART 3

PLANNING CONTROL

“Development” and requirement of planning permission

Meaning of “development”

23.—(1) In this Act, subject to subsections (2) to (6), “development” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

(2) For the purposes of this Act “building operations” includes—

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alteration of or addition to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.

(3) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

- (a) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;
- (b) the carrying out by a council or statutory undertaker of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes,

cables or other apparatus, including the breaking open of any street or other land for that purpose;

- (c) the use of any buildings or other land within the curtilage of a dwelling-house for any purpose incidental to the enjoyment of the dwelling-house as such;
- (d) the use of any land for the purposes of agriculture or forestry and the use for any of those purposes of any building occupied together with land so used;
- (e) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Department for the purpose of this section, the use of the buildings or other land or, subject to the provisions of the order, of any part thereof for any other purpose of the same class;
- (f) the demolition of any description of building specified in a direction given by the Department to councils generally or to a particular council;
- (g) a structural alteration of any description of building specified in a direction given by the Department to councils generally or to a particular council, where the alteration consists of demolishing part of the building.

(4) The Department may in a development order specify any circumstances or description of circumstances in which subsection (3) does not apply to operations mentioned in paragraph (a) of that subsection which have the effect of increasing the gross floor space of the building by such amount or percentage amount as is so specified.

(5) For the purposes of this section—

- (a) the use as two or more separate dwelling-houses of any building previously used as a single dwelling-house involves a material change in the use of the building and of each part thereof which is so used;
- (b) the deposit of refuse or waste material on land involves a material change in the use thereof, notwithstanding that the land is comprised in a site already used for that purpose, if either the superficial area of the deposit is thereby extended, or the height of the deposit is thereby extended and exceeds the level of the land adjoining the site.

(6) Without prejudice to any regulations made under this Act relating to the control of advertisements, a use for the display of advertisements of any external part of a building which is not normally used for that purpose shall be treated for the purposes of this Act as involving a material change in the use of that part of the building.