

Development within the curtilage of a dwelling-house

17. Domestic fuel containers

The installation within the curtilage of a dwelling-house, including where such house or its curtilage is, or is within the curtilage of, a protected building, of one container (including any associated catchpit) for any type of fuel and used exclusively for the domestic purposes of that dwelling-house, provided that-

- (a) where the container is sited forward of any elevation of the dwelling-house that faces a highway it is completely buried below the level of the ground surrounding it,*
- (b) no part of the container (disregarding pipes and fittings) is more than 2.5 metres above the ground surrounding it,*
- (c) the volume of the container does not exceed 1.50 cubic metres,*
- (d) neither the dwelling-house nor the container is within a site of special significance.*

THIS WORK IS NOT EXEMPT FROM THE BUILDING REGULATIONS

In order to determine whether your proposal is exempt from the requirement to apply for planning permission you must ensure that it meets all the criteria above and:

All exemptions are subject to a number of important general provisos, which are summarised as follows:

- The Development must be within your domestic curtilage. This is usually, but not always, your garden area.
- There is a limit on the total area of exempt development which can be permitted within the curtilage of a dwelling-house. No more than 50% of the curtilage, excluding the ground floor of the dwelling as originally constructed, may be covered.
- Exemptions do not apply to protected monuments and buildings unless the contrary is specifically stated in the exemption.
- All of the conditions of the exemption must be satisfied for the exemption to apply.
- These exemptions do not apply to the building regulations.

In addition, there may be conditions of previous permissions that affect exemptions, for example, where planning permission for a group of houses was granted subject to a condition removing exemption rights for walls, sheds etc. If you suspect your property may be affected by such a condition, you should check your own property records and/or request us to check our records.

Useful Definitions:

“dwelling house” does not include -

- (a) a flat or maisonette or a building containing one or more flats or maisonettes, or
- (b) any building which was originally constructed, adapted for use or is used, as self-contained self-catering holiday accommodation.

“highway” means any -

- (a) vehicular or pedestrian road, street, lane, clos, track or path, however named, used by the public, and
- (b) any private vehicular road, street, lane, or clos, however named

Source: The land Planning & Development (Exemptions) Ordinance, 2007

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