Revised Regulations of Anguilla: L15-2

LAND DEVELOPMENT (CONTROL) ACT (R.S.A. c. L15)

LAND DEVELOPMENT (CONTROL) REGULATIONS

Note: These Regulations are enabled under section 13 of the Land Development (Control) Act, R.S.A. c. L15.

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Interpretation

1. In these Regulations, unless the context otherwise requires—

"Act" means the Land Development (Control) Act;

"Committee" has the same meaning as in the Act;

"Development" has the same meaning as in the Act.

Permitted development

2. (1) The following classes of activities are hereby prescribed as permitted developments—

Class 1. Any enlargement, improvement or other alteration of a dwelling house subject to the conditions—

(a) that the external cubic content of the original house is not exceeded by one-tenth or 50 cubic metres, whichever is the greater;

(b) that the height of such enlargement or improvement or other alteration does not exceed the highest part of the roof of the original house; and

(c) that such enlargement or improvement or other alteration does not extend beyond the furthest point of any wall of the house abutting a road;

Class 2. Erecting walls and other solid faced means of enclosure to a height not exceeding 1 metre when abutting a road or 2 metres in any other case and erecting gates and fences to a height not exceeding 2 metres;

Class 3. The temporary erection of buildings, plants and machinery for the purpose of carrying out of development which has been granted planning permission;

Class 4. The temporary use of land for any purpose for a period not exceeding 28 days in any one year if the land is restored to its original state and condition at the end of such period;

Class 5. The use of land for forestry or agriculture, other than animal husbandry, requiring fodder from outside the land on which such husbandry is undertaken;

Class 6. Repairs to roads, pavements and the public utilities by the relevant authorities;

Class 7. The erection and display of advertisements which directly relate to the trade, business, industry or profession which is carried out on the building or land on which the advertisement is erected or displayed and the erection and display signs by the police and road traffic authorities;

Class 8. The change in the mode of use of any building or land if such change is from one mode of use set out in any category to another mode set out in the same category of the following categories of modes of use—

(a) use of any building as 2 or more dwelling units;

(b) use of any building as a shop;

(c) use of any building as a bar, cafe or restaurant;

(d) use of any building as an office or bank;

(e) use of any building or land as a warehouse for the receipt, storage and distribution of goods;

(f) use of any building or land for industrial purposes including the manufacture, assembly and repair of goods;

(g) use of any building as a hotel, boarding house or guest house;

(h) use of any building or land for recreational or educational purposes;

(i) use of any building as a museum or art gallery.

(2) For the purposes of this section, "road" has the same meaning as in the Vehicles and Road Traffic Act.

Notes of guidance for applicants

3. The Director of Lands and Surveys may, for the benefit of applicants, issue notes of guidance pertaining to the declarations, documents, certificates and plans which shall be submitted along with the application.

Application for planning permission

4. (1) Any person who intends to develop any land shall make an application to the Committee for permission to develop land (hereinafter referred to as "planning permission").

(2) Every such application shall be in triplicate and in the form set out in the Schedule to the Act and be submitted to the Director of Lands and Surveys.

(3) Every application for planning permission shall be accompanied by the fee set out in the Schedule.*(R.A. 16/2001 s.1)*

(4) The plans, certificates and other documents set out in the Act and in the notes of guidance shall be submitted along with every planning application.

(5) An application for planning permission may, depending on the circumstances set out in the notes of guidance, be a detailed application or an outline application.

Outline planning permission

5. An outline planning permission may be granted subject to the condition that the applicant shall not commence any development of land unless he has obtained a detailed planning permission subsequently.

Detailed planning permission

6. A detailed planning permission may be granted unconditionally or subject to such conditions as fairly and reasonably relate to the envisaged development.

Time limit for planning permission

7. A detailed planning permission or an outline planning permission may be granted subject to a time limit for the completion of the development and, unless the time limit is extended by the Committee, the planning permission shall be deemed to have been revoked at the expiration of the time limit.

Determination of planning permission

8. The Committee shall determine an application for planning permission within a period of 2 months from the date of receipt of a duly completed application except when there is an agreement in writing between the Committee and the applicant to extend such period and, where no determination is made within a period of 2 months or within such extended period, as the case may be, planning permission shall be deemed to have been refused.

Request for additional information

9. (1) The Director of Lands and Surveys may, in writing, request additional information from an applicant and keep the application in abeyance until such information is received.

(2) Where the applicant is unable or fails to furnish such information, the Committee may, for the purpose of determining the application, draw such inferences as to the effect of such information as it could have drawn if the information had been furnished.

Appeal against decision of the Committee

10. Any applicant who is aggrieved by a condition attached to any planning permission may, under the provisions of section 7 of the Act, appeal against the decision of the Committee as if it were a refusal to grant permission.

Register of applications

11. (1) The Director of Lands and Surveys shall keep a register of all applications received giving details of the application and the decision made thereon including any decision made on appeal.

(2) Any person may inspect the register during normal office hours at the office of the Director of Lands and Surveys.

Request for clarification

12. Where any person is in doubt as to whether a particular development requires planning permission he may, in writing, submit a request setting out full details of the intended development to the Director of Lands and Surveys seeking clarification.

Powers of the Director

13. The Director of Lands and Surveys or any other person authorised by him in writing may—

(a) enter and inspect on any day—

(i) at any time from 8.30 a.m. to 4.00 p.m., any dwelling house,

(ii) at any time from 6.00 a.m. to 6.00 p.m., any other building, and

(iii) at any time any other premises, except a dwelling house or a building, in which the Director has reasonable cause to believe that any development is taking place or has taken place in contravention of the Act or these Regulations;

(b) make enquiries to ascertain whether the provisions of the Act or these Regulations are being complied with in carrying out the development of land; and

(c) examine any plans, drawings or other documents related to the development of land and take copies or extracts of such plans, drawings or documents.

Offences

14. Any person who—

(a) contravenes or causes to be contravened any of the provisions of section 2 or 5;

(b) contravenes the conditions attached to a planning permission;

(c) makes any declaration or furnishes any information required to be made or furnished by these Regulations knowing the same to be false in some material particular; or

(d) hinders, assaults or obstructs the Director of Lands and Surveys or any other person authorised by him in writing in the discharge of his functions under section 13;

is guilty of an offence against these Regulations.

Citation

15. These Regulations may be cited as the Land Development (Control) Regulations, Revised Regulations of Anguilla L15-2.

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SCHEDULE

(Section 4(3))

APPLICATION FEES

Description of Development	EC$ Detailed planning permission	EC$ Outline planning permission
Erection of a dwelling house	100	50
Extension to dwelling house	75	40
Hotel or tourist accommodation (*per bedroom*)	100	50
Extension to hotel or tourist accommodation (*per 1500 sq. ft. or part thereof*) of gross floor space		
Category 1 – per room	75	50
Category 2 – development other than hotel rooms	75	50
Erection of extension to commercial and industrial where the gross floor area is—		
(i) 0–1499 sq. ft.	120	75
(ii) 1500–1999 sq. ft.	140	120
(iii) 2000–2499 sq. ft.	160	140
(iv) 2500–3000 sq. ft.	175	160
(v) Over 3000 sq. ft.	200	175
NB. For any application where structures cover less than 10% of area to be developed, an additional $100 for detailed and $80 for outline shall be charged for every ½ acre (*or part thereof*) of the site area	250	200
Erection/extension of buildings for purposes of agriculture, recreation and institutional use	50	30
Works other than building works, including mining and engineering or other operations on land (*per acre or part thereof*) of the site area	250	200
Change of use	100	75
Display of advertisement	100	

Subdivision of land (*per lot*)	30	
Renewal of temporary permission	50	
Other (*per ½ acre or part thereof*) of the site area	75	30

Application for permission to amend the plan under section 8(2) of the Act

1st amendment …….	Free
2nd amendment ……	10% of the appropriate fee
Further amendment …….	25% of the appropriate fee

(R.A. 16/2001 s.2)

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