

## Legal definition of Small Enterprises

Under the Small Enterprises and Handicraft Development Authority Act 2005 small enterprises and Handicraft enterprises are defined as follows:

### *"Small enterprise"*

- (a) means an enterprise which-
- (i) is engaged in any activity including production of craft works, other than an activity relating to the information and communication technology or financial services, for gain or profit;
  - (ii) employs less than 10 persons; and
  - (iii) has an annual turnover not exceeding 10 million rupees.
- (b) does not include an enterprise which is controlled, directly or indirectly, through ownership by an enterprise other than a small enterprise.

### Craft works

Means a product made mainly by hand or foot, with or without the use of tools operated directly by the crafts person.

### *Purpose of the Guide*

This guide is designed to :

- Provide a practical guide to the basic procedures for submitting an application for BLP.
- Explain in clear and understandable terms how the permit system works;
- Provide guidance on the provisions of the Outline Scheme and Planning Policy Guidance.
- Provide advice on exempt development.

### *Why Do you need a BLP?*

Under the Town & Country Planning Act 1954 & Local Government Act 2003 (as Amended), you require a Building & Land Use Permit (BLP) for development of land. The idea is to create better places for people to live, work and play in.

The BLP helps to ensure that your development will comply with the provisions of the Building Act, the Town and Country Planning Act 1954 (Outline Schemes) and Planning Development Act 2004 (Planning Policy Guidance) (PPG).

### *Who makes the decision?*

The Local Government Act (LGA) 2003 (as amended) provides that where an application for a BLP is made by a small enterprise or handicraft enterprise under the SEHDA Act 2005. the Permits and Business Monitoring Committee set up in all Local Authorities, shall within 3 working days of the effective date of an application, issue or refuse a permit.

### *What is exempt development in the PPG ?*

Where a small enterprise or a handicraft enterprise is to be carried out in part of a residential building, the enterprise is likely to be **exempt from a BLP** if the answer to any of the following questions is "**NO**".

- Will the home no longer be used mainly as a private residence?
- Will the enterprise result in a marked rise in traffic or people calling?
- Will the enterprise involve any activities unusual in a residential area?
- Will the enterprise disturb your neighbours at unreasonable hours or create other forms of nuisance such as noise, dust, fumes or smell?

The use of a room as office or business enterprise should be low key in nature & be ancillary to the principal use as residential

### *How to obtain your BLP in 3 days?*

You can collect the application form in any local Authority near you, or at SEHDA.

It is strongly recommended that you consult professional staff of the Planning Department of Local Authorities before submitting your application and to check zoning of your site.

- Refer to the BLP Guide before filling in your application form and design your plans
- Applications should be submitted to relevant Municipal/District Council during working hours
- PARTS A & B of application form should be filled in and all relevant documents and plans spelt out in the form, the certificate of registration from SEHDA, certificate of plate notification and 2 newspaper publications effected not more than 5 days prior to submission of application should be submitted.
- An Officer will register your application if there is no missing document and the application form is filled in properly. An acknowledgement receipt will be issued after payment of the appropriate processing fee.
- File is processed by Local Authority and determined by the Permits & Business Monitoring Committee within 3 working days.
- You may call at the Municipal/District Council on the 3rd day to obtain your permit and pay building permit fees/or to obtain your refusal letter or letter requesting for amendments to plans prior issue of the BLP.

### *How do we assess your application?*

Your plans will have to comply with the provisions of the Planning Policy Guidance, issued by The Ministry of Housing & Lands.

- The Technical checklist in Part B of the application form guides you on all the Planning norms that you have to comply.

There is a Development Management Plan/ Zoning Plan in the Outline Scheme which sets out policies for different locations. The decision of the Permits and Business Monitoring Committee will be based on the relevant policies of the Outline Scheme & PPG.

You may wish to consult the Planning Policy Guidance document on the web site of the Ministry of Housing at the following address :

<http://housing.gov.mu>

### **What if you do not comply with the guidelines and the BLP ?**

**It is an offence to carry out development in contravention to a permit issued.**

**You may be liable to prosecution and be fined up to a maximum of Rs 50,000 if your building contravenes provisions of the law.**

**For serious offences, the local Authority may ask for a pulling down order**

### **Contact address of SEHDA:**

**Industrial Zone, Royal Road, Coromandel**

**Tel. No.: 233-0500**

**Fax No.: 233-5545**

**Website Address: [www.sehda.org](http://www.sehda.org)**

**Contact Officers: Mr. C.N.L. Chi Kam Chun  
Mr. R. Bumma**

### **Appeal against decision of Permit & Business Monitoring Committee**

You may appeal against the decision of a Local Authority, within 21 days of receipt of the notification, to the Town & Country Planning Board., 6th floor,

Fon Sing Building, Edith Cavell St, Port louis

### ***Any other obligations?***

Under Section 100 of the Local Government Act 2003 (as Amended) a person who has been issued with a BLP, shall, before starting any classified trade and at all times in the course of carrying out the trade, comply with guidelines issued by the Fire Services, Sanitary Authority and the Ministry of Environment.

You also need to pay a fee to the Local Authority to carry on your trade.

### **Do I need a new BLP if I change the nature of my activity?**

No, if your activity falls within the same cluster, as specified in the 11<sup>th</sup> schedule of the LGA 2003.

Yes, if you change activity from one cluster to another, or if the change of activity within the same cluster gives rise to traffic/ parking problems or to pollution or results in unsafe storage of materials.

POSITIVE  
&  
PROACTIVE  
PLANNING  
PROCESS BY  
LOCAL  
AUTHORITIES

## MINISTRY OF LOCAL GOVERNMENT

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## A HANDY GUIDE TO MAKING AN APPLICATION FOR BUILDING & LAND USE PERMIT FOR SMALL ENTREPRISES

BRINGING  
BUSINESS  
AND  
PLANNING  
TOGETHER

**A guide to help small enterprise find their way through the Planning system and how to submit an application.**