

**TOWN AND COUNTRY PLANNING DEPARTMENT
HIMACHAL PRADESH**

No. HIM/TP/PJT/ Act & Rules/2013/Vol-XIX/

Shimla, Dated

30-5-16

To

1. The Deputy Commissioner,
District Chamba and Kullu,
Himachal Pradesh.
2. The Chief Executive Officer,
Baddi-Barotiwalla and Nalagarh Development Authority
at Jharmajri, District Solan, H.P.
3. The Commissioner,
Municipal Corporation, Shimla and Dharamshala
4. The Chairman,
Special Area Development Authority, Shoghi, Kufri, Hatkoti,
Ghanahatti, Sarahan, Kandaghat, Barog, Chail, Jabli, Harat,
Paonta Sahib, Trilokpur, Una, Baba Balak Nath Ji, Chintpurni,
Ner-Chowk, Solang, Rohtang, Manikaran, Naggar, Pong Dam,
Chamunda, Garli-Pragpur, Bir-Billing, Khajjiar, Bharmour, Pangi (Killar),
Chamera, Reckong Peo, Kaza, Keylong, Tabo & Udaipur.
5. The Town and Country Planner, Divisional Town Planning Office,
Shimla, Solan, Nahan, Mandi, Kullu, Hamirpur and Dharamshala
6. The Assistant Town Planner,
Sub-Divisional Town Planning Office, Parwanoo,
Una, Chamba, Rampur and Bilaspur
7. The Planning officer, Sundernagar, Palampur and Manali.
8. The Executive Officer, Municipal Council, Chamba,
Una, Hamirpur, Rampur, Bilaspur, Nahan, Paonta Sahib,
Mandi, Solan, Nalagarh, Parwanoo and Palampur.

Subject:- Exemptions in Rural Areas- Clarifications thereof.

Sir/Madam,

As you are already aware that certain exemptions from development permission in Rural areas falling within Planning Areas and Special Areas of the State have been made under Section 30-A of the Himachal Pradesh Town and Country Planning Act, 1977. The following development activities are exempt up to the limits as prescribed in Appendix-8 of the Himachal Pradesh Town and Country Planning Rules, 2014:-

- (i) Residential activities such as farm-houses and residential houses up to three storeys, cattle shed, toilet, septic tank, kitchen, store, parking shed or garage and rain shelter;
- (ii) Commercial activities such as basic commercial activities like shops of general merchandise, cobbler, barber, tailoring, fruit, vegetable, tea or sweet, eating places and dhabas, chemist and farm produce sale depot;
- (iii) Service Industries such as cottage or house-hold, service industries like carpentry, knitting, weaving, blacksmith, goldsmith, atta-chakki with capacity up to five horse-power, water mill, agriculture equipments or machinery repair, electrical,

electronic and house-hold appliances;

- (iv) Public amenities such as public amenities like panchayat offices, schools, mahila mandals, yuvak mandals, community halls, post offices, dispensaries and clinics (including health, veterinary and Indian System of Medicines) information technology kiosks, Patwar khans, guard huts, anganwaries, electricity and telephone installations and connections, roads and paths, ropeways, water tanks, rain harvesting tanks, overhead or underground water tanks, pump houses, check dams, temples, churches, mosques, graveyards, cemeteries, cremation grounds and other religious buildings, bathing ghats, cremation shelters, rest sheds, baths, drainage, toilets, latrines, urinals, sewerage installations, wells, tube wells, baulies, garbage disposal bins, depots and other installations;
- (v) Agriculture and horticulture related activities including rain harvesting structures, milk chilling plant, farm level godowns, seeds and fertilizer stores, farm clinics, pre-cooling units, primary processing units, green houses and poly houses; and
- (vi) Heritage related activities such as lakes, reservoirs, dams, baulies, wild life sanctuaries, cemeteries, graveyards, railway lines.

However, it has been observed that the exemptions are being wrongly interpreted. It is hereby again made clear which has also been held by the Hon'ble High Court of Himachal Pradesh in its order dated 16.12.2011 passed in the CWPIL No. 15 of 2010-B that **the benefit of above exemptions is only available to the residents and original inhabitants of the areas, who owned the property at the time of commencement of the Act ibid and their natural heirs only and not to the persons who purchased land in rural areas.**

In view of above, you are requested to deal the cases strictly in accordance to the spirit of the Himachal Pradesh Town and Country Planning Act, 1977 and Rules, 2014 and ensure that no misuse of these exemptions takes place. These provisions must be explained to the general public, representatives of Panchayati Raj Institutions as well as to the service providing agencies by conducting public awareness meetings from time to time, please.

Yours faithfully

JF 30/05/16
(Sandeep Kumar)

Director,

Town and Country Planning Department,
Himachal Pradesh, Shimla-171009.

Phone No.0177-2622494

APPENDIX 8

(See rules 13, 14 and 18)

REGULATIONS OF PRESCRIBED LIMITS FOR DEVELOPMENT ACTIVITIES EXEMPTED UNDER SECTION 30-A OF THE HIMACHAL PRADESH TOWN AND COUNTRY PLANNING ACT, 1977 (ACT NO. 12 OF 1977)

1. Residential Buildings and Farm Houses

- (i) Maximum floor area = 600.00 M²
 (ii) Maximum number of storeys = 3 Nos +1 Parking floor wherever feasible.

Note:- The applicant may have a maximum floor area of 600.00 M² distributed over not more than three storeys.

2. Commercial Use

- (i) Maximum floor area = 100.00 M²
 (ii) Maximum number of storeys = 2 Nos.
 (iii) Minimum access = 3.00 M
 (iv) Parking = For loading, un-loading and parking purpose suitable community parking space has to be arranged by the Shop owners.

Note:- The applicant may have a maximum floor area of 100.00 M² distributed over not more than two storeys.

3. Service Industries

- (i) Maximum floor area = 100.00 M²
 (ii) Number of storeys = 1 No.
 (iii) Minimum access = 3.00 M
 (iv) Parking = For loading, un-loading and parking purpose suitable community parking space shall have to be ensured by the Industrialists.

4. Public Amenities

- (i) Maximum floor area = As per requirement of the particular amenity.
 (ii) Maximum Number of storeys = 3 Nos.
 (iii) Minimum access = 3.00 M
 (iv) Parking = @ 0.50 to 1.50 equivalent car space per 100 M² of floor area.
 (v) Play fields in case of Educational buildings. = 0.20 Hectare to 1.60 Hectare is desirable, however, as per availability of land.

5. Other Imperatives

- (i) Structural safety and seismic proofing including soil investigation should be ensured.
 (ii) Attic and basement shall be counted as a storey.
 (iii) Sloping roof shall have to be ensured in hilly areas.
 (iv) No construction shall be raised within a distance of 5.00 M from the centre of the roads in respect of all other village roads.

- (v) No construction shall be raised within the controlled width of major District roads.
- (vi) Minimum front Set Back of 3.00 M from the controlled width of National Highways, State Highways and Scheduled Roads under the Himachal Pradesh Road Side Land Control Act, 1968 shall be kept.
- (vii) Minimum Set Back of 2.00 M in front and 1.50 M in sides and rear side and from the adjoining property, Government land and 5.00 M from Forest land shall have to be maintained.
- (viii) Adequate distance from the electric lines as per the requirement of Himachal Pradesh State Electricity Board Limited (HPSEB Ltd) Rules shall have to be maintained. The No Objection Certificate (NOC) of the competent authority shall also be required, if HT/LT line is crossing through the Scheme.
- (ix) Hill side cutting may be done upto 3.50 M height.
- (x) Provision of Rain Water Harvesting structure @ 20 Liters per M² of roof area should be made.
- (xi) Septic Tank and Soak Pit should be constructed.
- (xii) Preference shall be given for Solar Passive Building Design.
- (xiii) Locational attributes, aesthetics, local building material, heritage and environmental aspects should also be taken into account.

6. Remarks :

- (i) The benefit of above exemptions shall only be available to the residents and original inhabitants of the areas, who owned the property at the time of commencement of the Act and their natural heirs only and not to the persons who purchased land in rural areas.
- (ii) Any person intending to carry out development activities exempted under section 30-A of the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977) shall give information on simple paper alongwith a copy of original jamabandi and original tatima to the concerned Panchayat before carrying out development activities. The concerned Panchayat after verifying the documents, shall grant No Objection Certificate (NOC) to the applicant under section 83-A of the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977) for obtaining service connections.
- (iii) In case of any constraints as per the site conditions in maintaining set backs or any other Regulations, the concerned Officer vested with the powers of the Director may relax the same.

APPENDIX 9 (See rules 13 and 14)

REGULATIONS FOR INSTALLATION OF COMMUNICATION TOWERS

1. Definition

Communication Tower- shall include Antenna, fabricated Antenna, Antenna fixtures, tower erected on ground to install the telephone lines including transmission lines. This will not include the Antennas installed for domestic purpose, namely Television Antennas or Dish Antennas or Cable Antennas.