



PRACTICE NOTE 1

DO I NEED PERMISSION FOR MY DEVELOPMENT? A HOUSEHOLDER'S GUIDE

The Land Planning and Development (Guernsey) Law, 2005

This guidance note is intended to help you to assess whether permission is required for your development under the planning legislation. It is tailored to the needs of householders wishing to carry out domestic development, either on a dwelling-house; building containing flats or on a flat.

The guide explains the effect of the relevant provisions of The Land Planning and Development (Guernsey) Law, 2005 (the Law), the Land Planning and Development (General Provisions) Ordinance, 2007 and the Land Planning and Development (Exemptions) Ordinance, 2023.

There are two types of permission that you may need for your development:

- Planning permission and/or
- Building regulations permission

IT IS IMPORTANT TO CHECK THE REQUIREMENT FOR BOTH TYPES OF PERMISSION, AS WELL AS REQUIREMENTS OF ANY OTHER LEGISLATION.

PLANNING PERMISSION

Do I need planning permission?

The guide takes you through 3 steps:

Step 1: Does the proposal amount to development?

All development requires planning permission. Development means:

- The carrying out of building, engineering, mining or other operations in, on, over or under land, and
- The making of any material change of use of the land.

The erection of walls, fences, porches and house extensions, making alterations to an existing house, flat, demolition of the whole or part of a building, hedge or earthbank, rebuilding and works such as laying a drive or patio could all potentially be development in a domestic context.

Very minor operations such as the installation of an external flue or of rainwater pipes and gutters are too small to qualify as development. Works which affect only the interior of a building do not require planning permission unless the property is a protected monument or protected building.

Minor gardening operations are not development unless they are sufficiently substantial to amount to engineering works such as digging a pond, substantial alterations to ground levels, or works involving laying of artificial grass.

However, you should check whether the special circumstances described in **Step 2** apply.

The use of any land within the curtilage of your dwelling-house/flat for a purpose relating to the enjoyment of the dwelling-house/flat as such is not development. A change of use may occur if you wish to operate a business from your home, or if you wish to create a separate dwelling unit or use the property for multiple occupation or for tourism such as Air BNB. Or you may purchase adjacent land in a different use (agriculture or horticulture perhaps) and wish to incorporate it into your garden which would require planning permission. However, we are happy to provide advice on these issues via telephone, e-mail or through pre-application advice.

Step 2: Do any special considerations apply?

If your house/flat is within the area of a protected monument, is a protected building, has a protected tree within its land, or is within a conservation area or site of special significance, special considerations may apply that mean that extra works are regarded as being development that would not be regarded as such elsewhere.

You can find out whether your house is affected by these special considerations either by ringing us with details of the address and location of your property or by consulting the States website where you can search by your address or by consulting a map.

Protected monuments and buildings – any operation which alters or extends a protected monument or protected building in any manner which affects its special interest requires consent. This could include quite minor internal and external alterations and, in the case of some monuments, excavations so that it is advisable to seek specific planning advice.

Protected trees – cutting down or uprooting, topping or lopping, pruning, root-cutting of the protected tree(s), storage of heavy plant and machinery within the root area, changing of ground levels within the root area or any other act likely to result in significant damage or destruction of the tree(s) constitute development.

Conservation Area – Some works proposed to dwelling-houses; flats or buildings containing flats that are within a conservation area, require planning permission.

Sites of Special Significance – The Sites of Special Significance are designated in the Island Development Plan, approved by the States in November 2016

Step 3: Is my development exempt from the requirement for planning permission?

Your proposal may be development, but it may be exempt from the requirement to apply for permission. **HOWEVER YOU MAY STILL REQUIRE CONSENT UNDER THE BUILDING REGULATIONS** – see the section below.

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.

Over 30 categories of domestic development are exempt from the requirement for planning permission. These are set out in detail in The Land Planning and Development (Exemptions) Ordinance, 2023 – the Exemptions Ordinance. A link to the Ordinance can be found on the ‘Do I need planning permission’ web pages.

Every exemption is 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 some exempt development which can be permitted within the curtilage of a dwelling-house; flat or building containing flats. No more than 50% of the curtilage, excluding the ground floor of the dwelling; flat or building containing flats 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.

Select which of the following best describes your proposal. More than one category may apply. Then consult the relevant advice sheet(s), bearing in mind that all exemptions are subject to the above general provisos.

Class 1 – Development within the curtilage of a dwelling-house

1. Alterations to the external walls of a dwelling-house or an outbuilding
2. Satellite dish antennas
3. Solar products
4. Replacement of a door, window, roof-light, roof lantern or sun tunnel in existing opening
5. Installation of a door or window in new or altered opening
6. Re-roofing
7. Installation of a roof light, roof lantern or sun tunnel
8. Installation or re-roofing of a dormer or cladding of dormer cheeks
9. Erection of, or works to enclose a porch
10. The erection of an extension to a dwelling-house
11. Erection of a pergola or other garden structure
12. Erection of a shed
13. Erection of a glasshouse
14. Erection of a free-standing garage, other outbuilding or car port
15. Hard-surfaced areas
16. Gates, fences and walls
17. Domestic fuel containers
18. Domestic cesspits and soakaways
19. Installation of a swimming or other pool
20. Installation of a traffic mirror
21. Installation of a flagpole
22. Placing of a caravan
23. Removal of a hedge
24. Demolition or rebuilding of a chimney stack

25. Installation of a chimney stack or flue
26. Installation of an Air Source Heat Pump or air conditioning unit
27. Change of ground levels
28. Installation of external insulated render
29. Widening of vehicle access
30. Alterations to roofs
31. Installation of vehicle charging point
32. Placement or erection of bike barn or storage unit
33. Replacement of balustrade
34. Construction of external steps
35. Construction of earth banks
36. Construction of external ramp
37. Installation of energy storage equipment
38. Placement of polytunnel

Class 2 – Development within the curtilage of a flat or a building containing flats

1. Alterations to an external wall of a building containing flats
2. Satellite dish antennas
3. Solar products
4. Replacement of a door, window, roof-light, roof lantern, or sun tunnel in existing opening
5. Installation of a door or window in a new or altered opening
6. Re-roofing
7. Installation of roof-light, roof lantern or sun tunnel
8. Erection of, or works to enclose a porch
9. Hard-surfaced areas
10. Construction of external steps
11. Gates, fence and walls
12. Installation of a traffic mirror
13. Removal of a hedge
14. Demolition or rebuilding of a chimney stack
15. Installation of external insulated render system
16. Installation of electric charging point
17. Placement or erection of bike barn or storage unit
18. Construction of external ramp
19. Installation of energy storage equipment

BUILDING REGULATIONS

Do I need permission under the building regulations?

Section 17 of the Land Planning and Development (Guernsey) Law, 2007 establishes the status of the requirements of the Building Regulations within the new legislation. Plans relating to building operations or material changes of use under the Building Regulations therefore require plans to be deposited and approved prior to the commencement of the works.

Under Schedule 2 of the Building Regulations, certain minor works are exempt the majority of the regulation requirements, however notification to the Development & Planning Authority is necessary. The exempt work notification form and guidance note are also available from the Development & Planning Authority.

How to seek further advice

If you have a general, non site-specific query you may phone (01481 226200) and ask to speak to the duty planner or building surveyor (The latter are not available between 10:30 am and 3:00 pm, when they may be carrying out site inspections). For a site-specific query, you can fill in a form requesting an opinion on the requirement for permission and submit it with appropriate details.

Contact Us For further information or advice at:
The Office *of the* Development & Planning Authority
Sir Charles Frossard House
La Charroterie
St Peter Port GY1 1FH

Telephone 01481 226200 E-mail planning@gov.gg

Have you visited our website?

This note is issued by the Development & Planning Authority to assist understanding of the provisions of the planning legislation. It represents the Authority's interpretation of certain provisions of the legislation and is not intended to be exhaustive or a substitute for the full text of the legislation copies of which are available from the Greffe. Electronic copies are also available at www.guernseylegalresources.gg Substantive queries concerning the legislation should be addressed to the Authority by email at planning@gov.gg. The Authority does not accept any liability for loss or expense arising out of the provision of, or reliance on, any advice given. You are recommended to seek advice from an independent professional advisor where appropriate.