

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Land Planning and Development (Exemptions) Ordinance, 2007 *

[CONSOLIDATED TEXT]

NOTE

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* No. XXIII of 2007 (Recueil d'Ordonnances Tome XXXII, p. 287); as amended by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Land Planning and Development (Use Classes) Ordinance, 2017 (No. ** of 2017).

ORDINANCE OF THE STATES OF DELIBERATION

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The Land Planning and Development (Exemptions) Ordinance, 2007

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(Made on 26th September, 2007.)

The Land Planning and Development (Exemptions) Ordinance, 2007

THE STATES, in pursuance of their Resolutions of the 27th June 2002 and the 26th January, 2005^a, and in exercise of the powers conferred on them by sections 28, 78(1)(a) and 89 of the Land Planning and Development (Guernsey) Law, 2005^b, and of all other powers enabling them in that behalf, hereby order: –

Exempt development.

1. (1) Subject to subsections (3) and (4), planning permission is not required for the carrying out of any development specified in the Schedule in the circumstances, and subject to the provisos if any, specified in relation to that development in the Schedule and in subsection (2).

(2) The proviso referred to in subsection (1), is that the total area of ground within the curtilage of the dwelling-house, covered by development falling within any one or more of –

- (a) paragraphs 9 to 14 (porch, extension, garden structure, shed, glasshouse, garage or other outbuilding), and
- (b) paragraph 19 (swimming or other pool),

of Class 1 to the Schedule (development within the curtilage of a dwelling-house), including that to be constructed, does not exceed 50% of the total area of the curtilage (excluding the ground area of the dwelling-house as it was originally constructed).

(3) Subsection (1) does not apply in relation to the carrying out of

^a Billet d'État No. XI of 2002 and Article I of Billet d'État No. I of 2005.

^b Order in Council No. XVI of 2005.

any development –

- (a) in relation to, or
- (b) within the curtilage of,

a protected building or protected monument except where there is a specific reference in the Schedule to such development.

(4) For the avoidance of doubt, subsection (1) does not operate to exclude the development specified in the Schedule from requirements imposed under any building regulations.

(5) Where under any provision of the Schedule more than one proviso is attached to an exemption, the exemption applies only if all of those provisos are fulfilled.

Interpretation and construction.

2. (1) In this Ordinance, unless the context requires otherwise –

"agricultural purposes" includes all purposes directly connected with the use of land as arable, meadow or pasture land,

"building regulations" means regulations made by the [Authority] under section 17 of the Law^c,

"conservation area" means an area which is identified in a Development Plan, Subject Plan or Local Planning Brief as being of special architectural or historic interest and the character or appearance of which it is desirable to preserve or enhance by application of the special provisions in Chapter 3 of Part IV of the Law,

^c By virtue of section 93(7) of the Law, the Building Regulations, 1992, as amended (Guernsey S.I. No. 27 of 1992, as amended by G.S.I No. 39 of 2006), have effect as if made under section 17 of the Law.

"[**Authority**]" means the States of Guernsey [Development & Planning Authority],

"**development**" shall be construed in accordance with section 13(1) of the Law and Part I of the Land Planning and Development (General Provisions) Ordinance, 2007^d,

"**Development Plan**" means a current adopted plan prepared pursuant to sections 8 and 11 of the Law including any current adopted amendment thereto,

"**dormer**" means a projecting upright window in a sloping roof, the height of which is lower than the apex of the roof from which it projects,

"**drain**" has the meaning in section 29(1) of the Sewerage (Guernsey) Law, 1974^e,

"**dwelling-house**" does not include –

- (a) a flat or a 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,

"**enactment**" includes a Law, an Ordinance and any subordinate legislation and any provision or portion of a Law, an Ordinance or any subordinate legislation,

"**extension**" means a structure, other than a porch, which is attached to, and used solely for the non-commercial purposes of, a dwelling-house,

^d Approved by resolution of the States on 26th September, 2007.

^e Ordres en Conseil Vol. XXIV, p. 372.

"glasshouse" means a structure made predominantly of glass or other transparent or translucent material, which is not attached to a dwelling-house, and which is designed and used for growing plants,

"highway" means any –

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

"the Law" means the Land Planning and Development (Guernsey) Law, 2005,

"Local Planning Brief" means a current adopted brief prepared pursuant to sections 10 and 11 of the Law including any current adopted amendment thereto,

"natural stone" does not include reconstituted stone,

"non-domestic building" means a building which is not, and is not within the curtilage of, a dwelling-house,

"operational area" means, in relation to each place referred to in paragraphs 6 to 10 of Class 5 to the Schedule, that part of the place which is used for purposes connected with its operation as such a place,

"outline permission" means planning permission subject to the reservation of particular matters for subsequent approval,

"planning permission" means the permission which is required under section 14 of the Law for the carrying out of any development of land,

"protected building" means a building, or any part of a building, which is of special historic, architectural, traditional or other interest and

which is listed on the protected buildings list,

"protected monument" means a monument, structure, artefact, cave, ruin or remains which are of archaeological, historic, traditional, artistic or other special interest and which are listed on the protected monuments list,

"protected tree" means any tree, group or area of trees or woodlands in relation to which a tree protection order has been made,

"public" includes any section of the public,

"public utility service" means the supply to the public of water, gas, electricity, telecommunications or sewerage disposal services,

"roof-light" means a window, in the same alignment as a roof slope, which does not project substantially from that roof slope,

"sewer" has the meaning in section 29(1) of the Sewerage (Guernsey) Law, 1974,

"site of special significance" means an area which is identified in a Development Plan, Subject Plan or Local Planning Brief as having special significance (whether because of archaeological, botanical, geological, scientific, cultural, zoological or any other interest) and which it is desirable to preserve, enhance or manage by the application of the special provisions in Chapter 4 of Part IV of the Law,

"Subject Plan" means a current adopted plan prepared pursuant to sections 9 and 11 of the Law including any current adopted amendment thereto,

"subordinate legislation" means any ordinance, statutory instrument, regulation, rule, order, notice, rule of court, resolution, scheme, warrant, byelaw or other instrument made under any enactment and having legislative effect,

"**use class**" means a class of uses identified as such by Ordinance of the States under section 13(6) of the Law^f,

and other terms used in this Ordinance which are not defined in it but are defined in the Law shall have the same meaning as in the Law.

(2) For the purposes of construction of the Schedule to this Ordinance, unless the context requires otherwise –

- (a) a reference to an "existing" feature or use includes only a feature in place or use immediately before commencement of the new development, work or use concerned, and not created or carried on in breach of the Law,
- (b) a proviso that there "is only one" of a specified structure or other feature refers to the circumstances on completion of the new development concerned,
- (c) a proviso that something is "not within" a specified site, distance of any boundary or highway, or curtilage means that no part of it is within that site, distance or curtilage,
- (d) in a proviso limiting the floor or base area of any structure all necessary measurements are to be taken internally,
- (e) a maximum height or projection means that no part of the structure or feature concerned is to exceed that maximum in height or projection except where such a maximum is expressly required only in relation to a

^f See the Land Planning and Development (Use Classes) Ordinance, 2007, approved by resolution of the States on 26th September, 2007.

particular part of such a structure or feature, and

- (f) in a proviso that a structure or other feature is not within a specified distance of any boundary or highway all necessary measurements are to be taken from the outside face of that structure or other feature and not from any drain, pipes or other fittings to that structure or feature.

(3) Any reference in this Ordinance to an enactment or to any subordinate legislation is a reference thereto as from time to time amended, re-enacted (with or without modification), extended, or applied.

NOTES

In section 2, the words, first, "Authority" and, second, "Development & Planning Authority" in square brackets in the definition of the expression "Authority" and, third, the word "Authority" in square brackets wherever else occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 8, section 2, Schedule 1, paragraph 4(b), Schedule 2, Part 3 and section 5(1), Schedule 3, paragraph 8, with effect from 1st May, 2016.

The functions, rights and liabilities of the Environment Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Development & Planning Authority and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 4(b), Schedule 2, Part 3, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

The Land Planning and Development (Use Classes) Ordinance, 2007 has since been repealed by the Land Planning and Development (Use Classes) Ordinance, 2017, section 8, with effect from 3rd April, 2017, subject to the transitional provisions and savings in section 7(2) of the 2017 Ordinance.

Repeal and saving.

3. (1) The Island Development (Exemptions) Ordinance, 1997^g is repealed.

^g Ordinance No. XLII of 1997.

(2) The lawfulness of any development or other work carried out before the commencement of this Ordinance without the permission of the [Authority] but in accordance with the Island Development (Exemptions) Ordinance, 1997 is not affected by the repeal of that Ordinance, and any such development or other work commenced but not completed may be continued provided that it is completed within 12 months of that repeal.

NOTE

In section 3, the word in square brackets was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 8, with effect from 1st May, 2016.

Citation.

4. This Ordinance may be cited as the Land Planning and Development (Exemptions) Ordinance, 2007.

Commencement.

5. This Ordinance shall come into force on the same date as the Law.

NOTE

The Law was brought into force on 6th April, 2009 by the Land Planning and Development (Fees and Commencement) Ordinance, 2008, section 15.

SCHEDULE
EXEMPT DEVELOPMENT

CLASS 1
DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLING-HOUSE

Alterations to the external walls of a dwelling-house.

1. Alterations to the external walls of a dwelling-house consisting of rendering, removing render or re-cladding in natural stone or wood provided that the development is not carried out in relation to any building which was substantially constructed before 1900 or which is within a conservation area.

Satellite dish antennas.

2. Installation of a satellite dish antenna on, or within the curtilage of, a dwelling-house provided that –

- (a) there is only one satellite dish antenna on, or within the curtilage of, the dwelling-house,
- (b) the size of the satellite dish antenna, including any means of fixing, measured in any dimension, does not exceed 90 centimetres.

Solar panels.

3. Installation of a solar panel on, or within the curtilage of, a dwelling-house provided that –

- (a) where the panel is mounted on a roof, it is installed parallel to the plane of the roof slope and it projects no more than 30 centimetres from that plane,
- (b) the panel is not installed on any roof slope facing a highway,
- (c) where the panel is mounted on the ground, no part of it is located forward of any elevation of the dwelling-

house that faces a highway,

- (d) where the solar panel is mounted on the ground –
 - (i) it does not exceed 2 metres in height,
 - (ii) the total area of the panel to be installed, or of that panel together with any other panel mounted on the ground within the curtilage, does not exceed 10 square metres, and
 - (iii) it is not located more than 30 metres from the dwelling-house.

Replacement of a door or window in existing aperture.

4. The replacement of a door or window within an existing aperture in a dwelling-house provided that where the dwelling-house is within a conservation area or is substantially constructed before 1900 the replacement is of the same design, means of opening and made of the same material as the one it replaces.

Installation of a door or window in new aperture.

5. The installation of a door or window within a new aperture in a dwelling-house provided that –

- (a) the new door or window is not installed in any elevation of the dwelling-house that faces a highway,
- (b) where the new door or window is installed in any elevation of the dwelling-house that faces a boundary with a neighbouring dwelling-house, such door or window is not within 5 metres of that boundary unless that elevation already has a door or window,
- (c) the new door or window is not installed above ground floor level.

Re-roofing.

6. The re-roofing of a dwelling-house or of an outbuilding within the curtilage of a dwelling-house provided that where the dwelling-house or outbuilding is within a conservation area or is substantially constructed before 1900 the material to be used is natural slate or clay tiles.

Installation of roof-light.

7. The installation of a roof-light on the roof of a dwelling-house provided that –

- (a) the roof-light does not exceed 1 metre x 0.6 metre, measured in any dimension,
- (b) the roof-light is installed on a roof slope that does not face a highway,
- (c) there are no more than two roof-lights, including that to be installed, on the roof-slope in question.

Installation of dormer.

8. The installation of a dormer within the roof-space of a dwelling-house provided that –

- (a) the maximum width of the dormer, measured across its outside face, does not exceed 1.10 metres,
- (b) the dormer is not installed in a roof slope that faces a highway,
- (c) any glazing on the dormer is not within 10 metres, measured horizontally, of a boundary with a neighbouring residential property,
- (d) there are no more than two dormers, including that to be installed, on the roof-slope in question.

Erection of porch.

9. The erection of a porch on any elevation of a dwelling-house provided that –

- (a) where the dwelling-house is within a conservation area or is substantially constructed before 1900, the porch is located on an elevation of the dwelling-house that does not face a highway,
- (b) the floor area of the porch does not exceed 3 square metres and the height of the porch does not exceed 3 metres,
- (c) the porch is not within 2 metres of a highway,
- (d) there is only one porch attached to the dwelling-house,
- (e) the dwelling-house is not within a site of special significance.

The erection of an extension to a dwelling-house.

10. The erection of an extension to a dwelling-house provided that –

- (a) no part of the extension extends forward of any elevation of that dwelling-house that faces a highway,
- (b) where the dwelling-house is within a conservation area or is substantially constructed before 1900, the extension does not have a flat roof and is located on an elevation of the house that is not visible from a highway,
- (c) where the dwelling-house is not within a conservation area, is not substantially constructed before 1900 and the extension has a flat roof, the extension is located on an elevation of the property that is not visible from

a highway,

- (d) where the extension does not have a flat roof, the roof is a lean to or a double-pitched roof with, in both cases, a pitch of not less than 22 and a half degrees,
- (e) the floor area of the extension does not exceed 20 square metres,
- (f) the height of any elevation of the extension, where it meets the eaves of the roof of that extension, does not exceed 3 metres and the height of the roof of the extension, measured to the apex of that roof where that roof is pitched, does not exceed 4 metres,
- (g) where any part of the extension is within 1 metre of any boundary with a neighbouring property, the height of that part does not exceed 2 metres,
- (h) glazing is not included within any elevation which is located within 1 metre of a boundary with a neighbouring property,
- (i) the extension is attached to the external walls of the dwelling-house as it was originally constructed,
- (j) the walls, other than glazed areas, are constructed of the same material as the predominant material used in the construction of the walls of the dwelling-house,
- (k) the roof, other than glazed areas, is covered in a material to match the predominant material used in the existing roof of the dwelling-house,
- (l) any opening designed to admit a motor vehicle is set back at least 5 metres from a highway accessible from

that opening,

- (m) the dwelling-house including the extension to be erected is not within a site of special significance.

Erection of garden structure.

11. The erection of a structure designed and used for the support of plants within the curtilage of a dwelling-house provided that –

- (a) no part of the structure extends forward of any elevation of the dwelling-house that faces a highway,
- (b) the height of the structure does not exceed 3 metres,
- (c) where any part of the structure is within 1 metre of the boundary of a neighbouring property the height of that part does not exceed 2 metres,
- (d) no part of the structure is located more than 30 metres from the dwelling-house,
- (e) neither the dwelling-house nor the structure to be erected is within a site of special significance.

Erection of shed.

12. The erection of a freestanding shed, within the curtilage of a dwelling-house, to be used solely for the non-commercial purposes of that dwelling-house provided that –

- (a) no part of the shed extends forward of any elevation of the dwelling-house that faces a highway,
- (b) the height of the shed does not exceed 3 metres,
- (c) where any part of the shed is located within 1 metre of the boundary of a neighbouring property the height of

that part does not exceed 2 metres,

- (d) the base area of the shed does not exceed 6 square metres,
- (e) no part of the shed is located more than 30 metres from the dwelling-house,
- (f) the walls of the shed, other than glazed areas, are constructed of timber, natural stone or rendered blockwork,
- (g) there is only one shed within the curtilage,
- (h) neither the dwelling-house nor the shed is within a site of special significance.

Erection of glasshouse.

13. The erection of a freestanding glasshouse, within the curtilage of a dwelling-house, to be used solely for the non-commercial purposes of that dwelling-house provided that –

- (a) no part of the glasshouse extends forward of any elevation of the dwelling-house that faces a highway,
- (b) the height of the glasshouse does not exceed 4 metres,
- (c) where any part of the glasshouse is located within 1 metre of the boundary of a neighbouring property the height of that part does not exceed 2 metres,
- (d) the base area of the glasshouse does not exceed 20 square metres,
- (e) no part of the glasshouse is located more than 30 metres from the dwelling-house,

- (f) there is only one glasshouse within the curtilage,
- (g) neither the dwelling-house nor the glasshouse is within a site of special significance.

Erection of freestanding garage or other outbuilding.

14. The erection of a freestanding garage or other freestanding outbuilding (not falling within paragraphs 12 or 13) within the curtilage of a dwelling-house, to be used solely for the non-commercial purposes of that dwelling-house provided that –

- (a) no part of the garage or other outbuilding extends forward of any elevation of the dwelling-house that faces a highway,
- (b) where the garage or other outbuilding is within a conservation area the roof –
 - (i) is pitched and has a pitch of not less than 22 and a half degrees, and
 - (ii) is of natural slate or clay tiles.
- (c) the height of any elevation of the garage or other outbuilding, where it meets the eaves of the roof of that garage or other outbuilding, does not exceed 3 metres and the height of the roof of the garage or other outbuilding, measured to the apex of that roof where that roof is pitched, does not exceed 4 metres,
- (d) where any part of the garage or other outbuilding is located within 1 metre of the boundary of a neighbouring property the height of that part does not exceed 2 metres,

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- (e) the base area of the garage or other outbuilding does not exceed 20 square metres,
- (f) no part of the garage or other outbuilding is located more than 30 metres from the dwelling-house,
- (g) the walls of the garage or other outbuilding, other than glazed areas, are constructed of timber, natural stone or rendered blockwork,
- (h) any opening designed to admit a motor vehicle is set back at least 5 metres from a highway accessible from that opening,
- (i) there is only one such structure within the curtilage,
- (j) neither the dwelling-house nor the garage or other outbuilding is within a site of special significance.

Hard-surfaced areas.

15. The creation, extension or re-surfacing of a hard-surfaced area, including timber decking, within the curtilage of a dwelling-house provided that –

- (a) where the dwelling-house or the hard-surfaced area is within a conservation area the material used is –
 - (i) loose laid natural stone gravel,
 - (ii) pavements or bricks made, in either case, from concrete or clay,
 - (iii) natural stone setts or natural paving slabs,
 - (iv) concrete with rolled-in aggregate, or
 - (v) timber boarding,

or, in the case of an extension or resurfacing of an existing hard-surface, is the same as the existing material,

- (b) no part of any area created or extended is more than 30 metres from the dwelling-house,
- (c) the height of any timber decking or any other hard-surface created is not more than 50 centimetres above ground level,
- (d) neither the dwelling-house nor the hard-surfaced area is within a site of special significance.

Gates, fences, walls and earthbanks.

16. The erection of a gate, fence, wall or earthbank within or along a boundary of the curtilage of a dwelling-house provided that –

- (a) the height of such a structure erected within or along a boundary of the curtilage of a dwelling-house does not exceed 2 metres in height above any land within 2 metres on either side,
- (b) the height of that part of a structure which is erected in front of any elevation of the dwelling-house that faces a highway does not exceed 90 centimetres in height above any land within 2 metres on either side,
- (c) any fence is of timber construction,
- (d) any gate is of timber or metal construction,
- (e) any wall is of natural stone or rendered blockwork,
- (f) neither the dwelling-house nor the structure to be

erected is within a site of special significance.

Domestic fuel containers.

17. 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.

Domestic cesspits or soakaways.

18. The installation of a cesspit or soakaway, wholly below ground, within the curtilage of the dwelling-house which it serves, including where such house or its curtilage is, or is within the curtilage of, a protected building, provided that neither the dwelling-house nor the cesspit or soakaway is within a site of special significance.

Installation of a swimming or other pool.

19. The installation of a swimming or other pool within the curtilage of a dwelling-house, including where such house or its curtilage is, or is within the curtilage of, a protected building, provided that –

- (a) the swimming or other pool is not located forward of any elevation of the dwelling-house that faces a highway,
- (b) the swimming or other pool is located within 30 metres of the dwelling-house,
- (c) neither the dwelling-house nor the swimming or other pool is within a site of special significance,
- (d) the swimming or other pool is not located within 2 metres of a boundary with a neighbouring residential property.

Installation of a traffic mirror.

20. The installation of a traffic mirror within the curtilage of a dwelling-house, including where such house or its curtilage is, or is within the curtilage of, a protected building, provided that –

- (a) there is only one within the curtilage, and
- (b) the size of the mirror, including any means of fixing, measured in any dimension, does not exceed 90 centimetres.

Installation of a flag pole.

21. The installation of a free-standing flagpole within the curtilage of a dwelling-house, including where such house or its curtilage is, or is within the curtilage of, a protected building, provided that –

- (a) the height of the flagpole does not exceed 5 metres,
- (b) no advertising material is flown from the flagpole,
- (c) there is only one flagpole within the curtilage of the dwelling-house.

Placing of a caravan.

22. The placing of a caravan on land within the curtilage of a dwelling-house, including where such house or its curtilage is, or is within the curtilage of, a protected building, provided that –

- (a) the caravan is not used for human habitation,
- (b) there is only one caravan within the curtilage of the dwelling-house, and
- (c) the caravan is not placed forward of any elevation of the dwelling-house that faces a highway.

[CLASS 1A
RESIDENTIAL CHANGE OF USE

Change from use as part of dwelling for business purposes to other residential uses.

1. Change in the use of any land, including of any land which is, or is within the curtilage of, a protected building or protected monument, from an existing use falling within use class 5 (use of part of dwelling for business purposes) to a use within use class 1 (dwelling house) or use class 2 (flat).]

CLASS 2
DEVELOPMENT WITHIN THE CURTILAGE OF NON-DOMESTIC
BUILDINGS

Replacement of a door or window in existing aperture.

1. Replacement of any existing door or window of a non-domestic building provided that –

- (a) the door or window is not part of a shop front,
- (b) the replacement is of the same design, means of opening and made of the same materials as the one it

replaces.

Re-roofing.

2. Re-cladding an existing felt-clad or corrugated-sheet-clad roof of a non-domestic building in natural slate or clay tiles.

Hard-surfaced areas.

3. The creation, extension or resurfacing of a hard-surfaced area within the curtilage of a non-domestic building provided that –

(a) where the non-domestic building or hard-surfaced area is within a conservation area the material used is –

(i) loose laid natural stone gravel,

(ii) pavements or bricks made, in either case, from concrete or clay,

(iii) natural stone setts or natural paving slabs, or

(iv) concrete with rolled-in aggregate,

or, in the case of an extension or resurfacing of an existing hard-surface, is the same as the existing material,

(b) no part of any area created or extended is more than 30 metres from the non-domestic building,

(c) the height of any hard-surface created is not more than 50 centimetres above ground level,

(d) neither the non-domestic building nor the hard-surfaced area is within a site of special significance.

Non-domestic cesspits or soakaways.

4. The installation of a cesspit or soakaway, wholly below ground, within the curtilage of the non-domestic building which it serves provided that neither the non-domestic building nor the cesspit or soakaway is within a site of special significance.

CLASS 3

MAINTENANCE, REPAIR, MINOR ALTERATIONS AND TEMPORARY STRUCTURES AND USES

Maintenance, repair, and minor alterations.

1. The maintenance or repair of, or the making of any minor alteration to, a dwelling-house or a non-domestic building or to a structure or other feature within the curtilage of such a house or building, including where such house or building or the curtilage thereof is, or is within the curtilage of, a protected building, provided that –

- (a) the works are not exempt to the extent that they comprise development of a description for which an exemption is provided under another paragraph of this Schedule subject to the meeting of any provisos specified in that paragraph,
- (b) the works are not exempt to the extent that they comprise the painting for the first time of any significant part of any structure or other feature,
- (c) there is no material effect on the external appearance of any structure or other feature other than that arising from any repainting of the exterior of that structure or other feature.

Temporary development required during approved operations.

2. Temporary use of land on a site where building operations are currently taking place for purposes connected with those operations, and erection, installation or siting temporarily on such land of buildings, structures, works, plant and machinery provided that –

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- (a) the building operations are taking place in accordance with a planning permission,
- (b) any such buildings, structures, works, plant and machinery are –
 - (i) necessary for the purpose of those operations,
 - (ii) not used for any other purpose,
 - (iii) without prejudice to subitem (ii) of this proviso, not used for any residential purpose, and
 - (iv) permanently removed from the site upon completion of those operations, or within 12 months of their erection, installation or siting, whichever is sooner.

CLASS 4

AGRICULTURAL DEVELOPMENT

Fencing of agricultural land.

1. Erection of a post and wire fence for agricultural purposes provided that –

- (a) the fence is inside an existing hedge or earth bank,
- (b) the fence does not exceed 1.2 metres in height.

Farm gates.

2. Installation of a gate across an existing opening (and not involving the creation or widening of any opening) anywhere on land used for agricultural purposes.

CLASS 5

DEVELOPMENT BY THE STATES AND PUBLIC UTILITY PROVIDERS

The carrying out of any of the development specified in the following paragraphs of this Class other than within a Site of Special Significance.

Installation etc. of mains, drains, sewers, lines, pipes and cables.

1. (1) Any development referred to in subparagraph (2) which is carried out by or on behalf of a person listed in subparagraph (3) in connection with the provision by that person of a public utility service.

(2) The development referred to in subparagraph (1) is any development, not falling within paragraphs 4 to 7, which is necessary for the –

- (a) installation, inspection, maintenance, repair or renewal of mains, drains, sewers, pipes, cables, lines, or
- (b) making of connections to anything referred to in item (a),

provided that any hard surface which is disturbed by the development is restored with a finish which is not significantly different from the existing finish and in the case of granite cobbles or flags is restored with the same materials.

(3) The persons referred to in subparagraph (1) are –

- (a) the States,
- (b) Guernsey Gas Limited, or
- (c) a person who is a licensee under the Telecommunications (Bailiwick of Guernsey) Law, 2001^h or the Electricity (Guernsey) Law, 2001ⁱ.

^h Order in Council No. XIV of 2001 as amended by XXX of 2003.

Maintenance and the prevention of the obstruction of highways.

2. Any development by or on behalf of the States which is necessary –
 - (a) for the maintenance of any highway or any private pedestrian road, street, clos, track or path, however named, provided that such maintenance does not involve –
 - (i) the hard surfacing of any lane, track or path that was not previously hard-surfaced, or
 - (ii) the creation, laying out or material widening of a means of access to that highway or pedestrian road, street, clos, track or path, or
 - (b) to avoid the obstruction of any highway or any private pedestrian road, street, clos, track or path, however named, by any tree or other vegetation.

Maintenance of water courses, outfalls or carrying out of land drainage works.

3. Any development by or on behalf of the States which is necessary for the maintenance of water courses or outfalls or for the carrying out of land drainage works.

Development in relation to minor equipment by suppliers of electricity and telecommunications services.

4. Any development which –
 - (a) is carried out by or on behalf of a person who is a licensee under the Telecommunications (Bailiwick of Guernsey) Law, 2001 or the Electricity (Guernsey) Law, 2001, and

ⁱ Order in Council No. XIII of 2001 as amended by Ordinance L of 2001.

- (b) is necessary for the maintenance or replacement of overhead lines, cables, surface wiring, block terminals and dish or multiple rod aerials used for the purpose of supplying electricity or providing telecommunications services to the public,

provided that any replacement is not significantly different in terms of its siting, design, size and appearance to the equipment that it replaced and that any hard surface which is disturbed by the development is restored with a finish which is not significantly different from the existing finish and in the case of granite cobbles or flags is restored with the same materials.

Development in relation to the supply of electricity.

5. Any development which –

- (a) is carried out by or on behalf of a person who is a licensee under the Electricity (Guernsey) Law, 2001, and
- (b) is necessary –
 - (i) for the replacement of roadside distribution pillars, high voltage switchgear and transformers, poles and street cabinets for the purpose of supplying electricity to the public, provided that any replacement is not significantly different in terms of its siting, size, design and appearance to the equipment that it replaced, or
 - (ii) to avoid contact between any tree or other vegetation and over head power lines,

provided that any hard surface which is disturbed by the development is restored with a finish which is not significantly different from the existing finish and in the case of granite cobbles or flags is restored with the same materials.

Development within the operational areas of water treatment works, foul water treatment works, pumping stations and reservoirs etc.

6. Any development by or on behalf of the States which is carried out within the operational areas of water treatment works, foul water treatment works, pumping stations, reservoirs or other places where water is stored and which is necessary for –

- (a) the provision of water supplies, or
- (b) the maintenance or security of any such place,

provided that such development is not carried out in relation to any land or structure forming any part of the perimeter of any such place.

Development within the operational area of a power station.

7. Any development by or on behalf of a person who is a licensee under the Electricity (Guernsey) Law, 2001 which is carried out within the operational area of a power station and which is necessary for –

- (a) the relocation of pumping equipment and over ground piping within the operational area of a power station provided that there is no significant change to –
 - (i) the siting, and
 - (ii) the visibility from a highway,of such piping or equipment, or
- (b) the security of the power station,

provided that such development is not carried out in relation to any land or structure forming any part of the perimeter of the power station.

Development within the operational area of an airport.

8. Any development by or on behalf of the States within the operational area of an airport which is necessary for –

- (a) the provision of air traffic control services,
- (b) the safe navigation of aircraft,
- (c) the security of the airport, or
- (d) the maintenance or resurfacing of an airport runway or to make minor alterations to the camber of such a runway,

provided that such development is not carried out in relation to any land or structure forming any part of the perimeter of the airport and that, where carried out in relation to an airport runway, it does not extend that runway.

Development within the operational area of a harbour.

9. Any development by or on behalf of the States within the operational area of a harbour which is necessary for –

- (a) the provision of harbour control or safe navigation of ships, or
- (b) the security of the harbour,

provided that such development is not carried out in relation to any land or structure forming any part of the perimeter of the harbour.

Minor works for navigational purposes.

10. (1) Any development by or on behalf of the States outside the operational area of a harbour or an airport which is necessary to –

- (a) carry out any minor works for the purpose of –
 - (i) the safe navigation of ships or aircraft, or

- (ii) the safe operation of the port or airport in question, or
 - (b) avoid the obstruction of navigation points or navigation lights by any tree or other vegetation.
- (2) In this paragraph "**minor works**" means –
- (a) minor maintenance work, or
 - (b) replacement of fixed plant,

which does not involve any work to buildings, walls or fences.

Coastal defences.

11. Any development by or on behalf of the States necessary for the maintenance of existing coastal defences provided that such development does not include development consisting of land reclamation and does not affect any shingle bank or other natural feature forming part of such defences.

Street furniture.

12. (1) Any development by or on behalf of the States necessary for the replacement or maintenance of any fixed street furniture, other than traffic signs, provided that any replacement is not installed in La Vallette (Bathing Pools) Conservation Area and those parts of the conservation areas identified in subparagraph (2).

(2) The parts of the conservation areas referred to in subparagraph (1) are those parts of –

- (a) the St. Peter Port conservation area which fall within South Esplanade, the Quay, North Esplanade, Glategny Esplanade, the Pollet, High Street, Hauteville, Fountain Street, Trinity Square, Mill Street, Mansell Street, Contree Mansell, Smith Street,

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Lefebvre Street, Rue du Manoir, College Street, Saint Julian's Avenue, Castle Emplacement, Crown Pier and La Salerie Harbour, and

- (b) the Bridge Conservation area which fall within South Quay, the Bridge and North Side.
- (3) In this paragraph –
 - (a) **"street furniture"** includes lamp standards and other street lighting, public seating, cycle racks, signposts, signs, refuse bins, bollards, rails, fences and barriers for safeguarding persons using the public highway, and
 - (b) **"public highway"** means any vehicular or pedestrian road, street, lane or clos, track or path, however named, used by the public.

Closed circuit television.

13. Any development by or on behalf of the States necessary for the –

- (a) installation and maintenance of one closed circuit television camera on any one structure or object provided that the dimensions of the camera, including its housing and fixing bracket, do not exceed 90 centimetres by 25 centimetres by 55 centimetres, or
- (b) temporary installation and maintenance of closed circuit television cameras to cover a public event or in an emergency provided that the cameras are in place for no more than 14 days.

CLASS 6

[STORAGE, DISTRIBUTION AND INDUSTRIAL CHANGE OF USE]

Changes from general to light industrial use.

1. Change in the use of any land, including of any land which is, or is within the curtilage of, a protected building or protected monument, from an existing use for any general industrial purpose within [use class 25] to use for any light industrial purpose within [use class 24].

Changes from special to general or light industrial use.

2. Change in the use of any land, including of any land which is, or is within the curtilage of, a protected building or protected monument, from an existing use for any purpose [within use class 26 or 27] to use for any general industrial purpose within [use class 25] or any light industrial purpose within [use class 24].

[Changes between light industrial use and general storage or distribution use.

3. Change in the use of any land, including of any land which is, or is within the curtilage of, a protected building or protected monument, to or from an existing use for any light industrial purpose within use class 24 to or from use for any general storage or distribution purpose within use class 22 provided that the land comprises premises the total area of which does not exceed 250 square metres.

Changes from general industrial use to general storage or distribution use.

4. Change in the use of any land, including of any land which is, or is within the curtilage of, a protected building or protected monument, from an existing use for any general industrial purpose within use class 25 to use for any general storage or distribution purpose within use class 22 provided that the land comprises premises the total area of which does not exceed 250 square metres.]

CLASS 7
TREES

Pruning of trees.

1. The pruning of any protected tree provided that it is carried out in accordance with British Standard Specification 3998/1989 on Recommendations for

Tree Work as revised or re-issued from time to time^j.

Dead and diseased trees.

2. The cutting down, uprooting, topping, lopping or pruning of any protected tree or part of such a tree which has been certified as being dead or in a hazardous state by an –

- (a) arboriculturist, or
- (b) other person who has sufficient expertise to make such a certification,

provided that the tree is not within a site of special significance.

Cutting down etc. of trees in compliance with statutory requirements, to abate or prevent a nuisance or implement a planning permission.

3. The cutting down, uprooting, topping, lopping or pruning of any protected tree or part of such a tree to the extent that such action is –

- (a) necessary to comply with any requirements by or under any enactment including the Ordonnance relative à la Hauteur des Haies bordant les encoignures des Voies Publiques, 1931^k and the Cutting of Hedges Ordinance, 1953^l,
- (b) necessary to prevent or abate a nuisance, or
- (c) required to enable a person to implement any planning permission except for an outline permission.

Cutting down etc. of trees to prevent obstruction of a highway or to ensure safe

^j Current edition B.S. 3998:1989 which came into effect on 31st May 1989.

^k Recueil d'Ordonnances Tome V, p. 370.

^l Recueil d'Ordonnances Tome X, p. 373 as amended by Tome XXV, p. 76.

and efficient use for civil aviation purposes.

4. The cutting down, uprooting, topping, lopping or pruning of any protected tree to the extent that such action is necessary –

- (a) to prevent obstruction of a highway, or
- (b) to ensure the safe and efficient use for civil aviation purposes of any land, structures, works or apparatus.

Cutting down of certain species of trees.

5. The cutting down, uprooting, topping, lopping or pruning of a tree of any of the following species which is a protected tree by virtue of being one of a group or area of trees or woodlands in relation to which a tree protection order has been made –

- (a) *X Cupressocyparis leylandii* (Leyland Cypress),
- (b) *Chamaecyparis nootkatensis* (Nootka Cypress), or
- (c) *Cupressus macrocarpa* (Monterey Cypress),

provided that such operations do not cause any significant damage to any other tree, not of any of such species, which forms part of that group or area of trees or woodlands.

CLASS 8
SIGNS AND ADVERTISEMENTS

Contractors signs.

1. Temporary display of a contractor's signboard on a building or site where the contractor is currently engaged in building or other works provided that –

- (a) any planning permission required under the Law for those works has been granted,
- (b) there is only one such signboard on the building or

site,

- (c) the signboard is not internally illuminated,
- (d) the signboard is removed upon completion of the works.

Nameplates.

2. Display on a building of a nameplate identifying any individual, company or firm carrying on a trade, business or profession in or from that building provided that –

- (a) the trade, profession or business concerned is not being carried on in contravention of the Law,
- (b) the nameplate is not internally illuminated,
- (c) the size of the nameplate, measured in any dimension, does not exceed 60 centimetres.

Signs for charity and public events.

3. Temporary display of a sign advertising, or giving directions to the location of, a charity or public event provided that –

- (a) the sign is not illuminated, either internally or by external illumination,
- (b) the sign is not displayed for more than 2 weeks prior to the date of the event,
- (c) the sign is removed immediately after the event has ended,
- (d) in the case of any banner displayed across a street in St. Peter Port or St. Sampson, the sign does not include any commercial advertising material.

Election signs.

4. Temporary display, including on, or within the curtilage of, a protected building or protected monument, during the period immediately preceding an election for any States or Parish office, of a sign promoting a candidate at, or otherwise in connection with, that election.

Signs advertising garden produce.

5. Display within the curtilage of a dwelling-house, including where such house or its curtilage is, or is within the curtilage of, a protected building or a protected monument of one sign advertising the sale of produce grown, otherwise than on a commercial basis, within the curtilage of the dwelling-house provided that –

- (a) there is only one such sign within the curtilage,
- (b) the size of the sign does not exceed 60 centimetres measured in any dimension.

Repainting or replacement of existing signs.

6. Repainting or replacement of an existing sign provided that –

- (a) the sign, as repainted or replaced, is not internally illuminated,
- (b) the overall size and location of the sign is not altered as a result of the repainting or replacement.

Terre à l'amende signs.

7. Display of a terre à l'amende sign on a wall or a building provided that –

- (a) the Royal Court has granted an application, in respect of the land in question, for notices to be published in La Gazette Officielle to the effect that the land is terre mis à l'amende,

- (b) the sign is not illuminated, either internally or by external illumination,
- (c) the size of the sign, measured in any dimension, does not exceed 60 centimetres.

CLASS 9

RETAIL AND ADMINISTRATIVE, FINANCIAL AND PROFESSIONAL
CHANGE OF USE

Changes from special to general retail use.

1. ...

Changes from use as an office to use for temporary re-location in emergency.

2. Change in the use of any land, including of any land which is, or is within the curtilage of, a protected building or protected monument, from an existing use within [use class 16 (administrative office)] to a use within [use class 17 (temporary office)].

CLASS 10

DEMOLITION

Demolition of a shed, glasshouse, temporary or garden structure, fence, gate or exempt structure.

1. The demolition of any shed, freestanding glasshouse, temporary structure, garden structure, fence, gate or exempt structure provided that –
 - (a) the structure is not substantially constructed before 1900,
 - (b) the demolition work would not create a vehicular access to premises,
 - (c) in the case of partial demolition, the remaining structure is made good,

- (d) the structure to be demolished is not a wall or an earthbank which forms a field boundary or adjoins a highway,
- (e) the structure to be demolished is not within a site of special significance,

and in this paragraph "**exempt structure**" means a structure or other feature the erection, creation or installation of which would be exempt development pursuant to this Schedule.

NOTES

In the Schedule,

Class 1A was inserted by the Land Planning and Development (Use Classes) Ordinance, 2017, section 6, Schedule 2, paragraph 1, with effect from 3rd April, 2017, subject to the transitional provisions and savings in section 7(1) of the 2017 Ordinance;

in Class 6, first, the heading thereto, second, the words and figures "use class 25" and "use class 24" in square brackets, wherever occurring, and, third, the words and figures in the first pair of square brackets in paragraph 2 were substituted and, fourth, paragraph 3 and paragraph 4 were inserted by the Land Planning and Development (Use Classes) Ordinance, 2017, section 6, Schedule 2, respectively paragraph 2(a), paragraph 2(b), paragraph 2(c) and paragraph 2(d), with effect from 3rd April, 2017, subject to the transitional provisions and savings in section 7(1) of the 2017 Ordinance;

in Class 9, first, paragraph 1 was repealed and, second, the words and figures in square brackets in paragraph 2 were substituted by the Land Planning and Development (Use Classes) Ordinance, 2017, section 6, Schedule 2, respectively paragraph 3(a) and paragraph 3(b), with effect from 3rd April, 2017, subject to the transitional provisions and savings in section 7(1) of the 2017 Ordinance.

The Ordonnance relative à la hauteur des Haïes bordant les encoignures des Voies Publiques, 1925 (1931) has since been repealed by the Parochial Administration Ordinance, 2013, section 12, Schedule 2, paragraph 9, with effect from 1st September, 2015, subject to the savings and transitional provisions in section 10 of the 2015 Ordinance.
