Development within the curtilage of a dwelling-house

15. Hard-surfaced areas

The creation, extension or resurfacing 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) paviours 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.

This exemption does not apply to a Protected Monument or Protected Building

THIS WORK MAY BE EXEMPT FROM THE BUILDING REGULATIONS

In order to determine whether your proposal is exempt from the requirement to apply for planning permission you must ensure that it meets all the criteria above and:

All exemptions are 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 exempt development which can be permitted within the curtilage of a dwelling-house. No more than 50% of the curtilage, excluding the ground floor of the dwelling 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.

In addition, 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 the Department to check its records.

Useful Definitions:

"dwelling house" does not include-

(a) a flat or 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-contanined self catering holiday accommodation,

"highway" means any-

(a) vehicular or pedestrian road, street, lane or clo, track or path, however named, used by the public, and

(b) any private vehicular road, street, lane or clos, however named

Source: The Land Planning & Development (exemptions) Ordinance, 2007

This note is issued by the Department to assist understanding of the provisions of the new planning legislation. It represents the Department'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 Department by telephone on 717200. The Department 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.