

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

DEVELOPMENT & PLANNING AUTHORITY

REVIEW OF THE LAND PLANNING AND DEVELOPMENT (EXEMPTIONS) ORDINANCE,
2007

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled 'Review of the Land Planning and Development (Exemptions) Ordinance, 2007' dated 3rd January, 2023, they are of the opinion:-

1. To approve the changes proposed to policy, approved by the States of Deliberation in December 2021, relating to exemptions from the requirement to obtain planning permission for development, as set out in section 2 of the Policy Letter.
2. To agree that the Development & Planning Authority should have a power to amend Schedule 1 to the Land Planning and Development (Exemptions) Ordinance, 2023 for the purpose of amending, substituting, omitting or adding any proviso/condition to an exemption within the Schedule through the making of Regulations, as set out in section 3 of the Policy Letter.
3. To note the minor changes in relation to the land planning and development exemptions and their provisos/conditions, as set out in Appendix 1 to the Policy Letter.
4. To approve the Ordinance entitled 'The Land Planning and Development (Exemptions) Ordinance, 2023', as set out in Appendix 2 to the Policy Letter, and to direct that the same shall have effect as an Ordinance of the States, subject to Propositions 1 and 2 being approved.

The above Propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

EXPLANATORY MEMORANDUM

The Land Planning and Development (Exemptions) Ordinance, 2023

This Ordinance repeals and replaces the Land Planning and Development (Exemptions) Ordinance, 2007 (“2007 Exemptions Ordinance”) which specifies descriptions of development for which planning permission is not required provided that listed provisos (a type of condition) are met. These are known as exemptions from planning permission. The new Ordinance carries forward, with amendments, the current exemptions in the 2007 Exemptions Ordinance, significantly widens existing exemptions and adds a large number of new exemptions. The exemptions are listed in Schedule 1 to the new Ordinance and grouped in classes relating mainly to the location or type of development. The opportunity has also been taken to make certain existing exemptions, in particular for dwelling-houses and non-domestic buildings, more consistent.

The main changes from the 2007 Ordinance are: widening the existing exemption for solar panels to cover a wider range of solar products and adding new exemptions for installation of other energy saving equipment in exemptions Classes 1, 2 and 4 in Schedule 1 relating to development in relation to dwelling-houses, flats, buildings containing flats and non-domestic buildings; adding a new class of exemptions for development in relation to flats and buildings containing flats (Class 2 to Schedule 1); a significant widening of the exemptions for development in relation to non-domestic buildings (Class 4); adding a significant number of new exemptions for development in relation to dwelling-houses (Class 1-paragraph 23 onwards); adding new exemptions in relation to agricultural land (Class 6-paragraph 3 onwards), certain States development (Class 7-paragraph 14 onwards), display of signs and temporary art installations (Class 10-paragraph 8 onwards), for certain changes of use from specified retail uses or office uses to other uses including a change of use of upper floors of buildings in the Bridge and St Peter Port from certain retail and other uses to certain residential uses (Class 11-paragraph 2 onwards) and for changes of use from certain visitor accommodation uses to residential uses (Class 12, paragraph 3 onwards); a wider exemption for demolition (Class 13) and allowing for more exemptions to apply on, or within the curtilage of, a protected building. Schedule 2 sets out the specific sites which may benefit from the new exemption in Class 12, paragraph 4 relating to a change of use from a visitor accommodation use to certain residential uses.

Section 1 to the Ordinance provides that planning permission is not required for the carrying out of development specified in Schedule 1 in the circumstances and subject to the provisos set out in relation to that development in Schedule 1 and in the rest of section 1. The provisos in section 1(2) and (3) apply in addition to those listed for specific development in Schedule 1 and impose a further condition restricting the overall area that can be covered by certain exempt development. Section 1(4) provides that the exemptions do not apply in relation to development in relation to, or within the curtilage of, a protected building or a protected monument except where the exemption specifically allows for this. Section 1 is largely the same as Section 1 of the 2007 Exemptions Ordinance except for consequential amendments to allow for the amended and new exemptions and the addition of a power for the Development & Planning Authority to amend by Regulations the exemptions in Schedule 1. The power is only to

amend the provisos to which the exemptions are subject and not the description of development which is exempt.

Section 2 is the interpretation section which has been amended to reflect the amendments to the exemptions. Sections 3 and 4 make consequential amendments to other planning legislation. Section 5(1) repeals the 2007 Exemptions Ordinance and related Ordinances. Section 5(2) provides for a standard transitional provision so as to allow owners and developers 12 months, from the date of commencement of the new Ordinance, to complete physical development started before that date, provided it is completed in accordance with the 2007 Ordinance. This provision only applies to physical development and not to a material change of use as physical development can take some time to complete. Section 5(3) provides for a further transitional provision for the temporary visitor accommodation change of use exemption to ensure that it is clear that changes of use and related notices under the current exemption relating to such changes are treated as made under the equivalent exemption in the new Ordinance.

It is proposed that the Ordinance will come into force in February, 2023 on the date that it is approved by the States of Deliberation.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

DEVELOPMENT & PLANNING AUTHORITY

REVIEW OF THE LAND PLANNING AND DEVELOPMENT (EXEMPTIONS) ORDINANCE,
2007

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

3rd January, 2023

Dear Sir

1 Executive Summary

- 1.1 Following the debate on the 2022 Government Work Plan (“GWP”), the States of Deliberation (“the States”) agreed ‘that all Committees will work with the Policy & Resources Committee to prioritise the progression of priority actions in the Government Work Plan¹. Such actions include the Category 2 action to ‘amend the Land Planning and Development Ordinances to provide for further planning permission exemptions’, as part of the Priority 3 action to enable opportunities for regeneration². Additionally, the States agreed to ‘approve the proposed Schedule of prioritised drafting of legislation’³, the first item of which was the Review of the Land Planning and Development (Exemptions) Ordinance, 2007.
- 1.2 In December 2021, the States considered the Review of the Land Planning and Development (Exemptions) Ordinance, 2007, Policy Letter (“the 2021 Policy Letter”⁴) and resolved to approve proposed new exemptions and to amend existing exemptions currently set out in the Land Planning and Development (Exemptions) Ordinance, 2007 (“the 2007 Ordinance”)⁵. The policy intentions of the proposed amendments were: to better reflect current policies, including the Island Development Plan (“IDP”)⁶; to ensure the exemptions legislation remains

¹ [Resolution 11 of 28th June, 2022 on Billet d’État No. X of 2022.](#)

² [Billet d’État No. X of 2022](#)

³ [Resolution 16 of 28th June, 2022 on Billet d’État No. X of 2022](#)

⁴ Review of the Land Planning and Development (Exemptions) Ordinance, 2007, Policy Letter [Billet d’État No. XXV of 2021, Article IX](#)

⁵ [Land Planning and Development \(Exemptions\) Ordinance, 2007](#)

⁶ [Island Development Plan](#)

fit for purpose; and, to allow for development to be carried out more easily across the Island through changes to the planning exemptions. Those intentions were proposed to be met through broadening and introducing certain exemptions and introducing new classes of exemptions.

- 1.3 The 2007 Ordinance specifies developments which do not require planning permission subject to listed conditions which must be met. Under the 2007 Ordinance 64 exemptions are separated into 12 classes.
- 1.4 Following the 2021 States direction, a new exemptions Ordinance was drafted to repeal and replace the 2007 Ordinance. During the legislative drafting process, a number of further amendments to the agreed policy principles have been identified which are needed to enhance the policy consistency of the new and amended exemptions, better align them to the IDP and prevent certain unintended consequences. Some of these are changes to the original policy principles and therefore require approval of the States, however most are simply making changes to points of detail to the agreed 2021 amendments, these minor changes have been set out in Appendix 1.
- 1.5 The 2021 Policy Letter set out the proposed changes and additions to the policy principles only, noting that points of detail, the exact wording and numbering of classes would be subject to legal drafting⁷. It is considered that certain amendments made to The Land Planning and Development (Exemptions) Ordinance, 2023 (“The Exemptions Ordinance”), in Appendix 2, amount to changes to the 2021 agreed policy principles so the approval of the States is required, in accordance with paragraph 5.1.1 of The States’ Greffier Directive⁸.

2 Policy changes to the 2021 agreed amendments

- 2.1 The changes set out in Table 1 below are considered to be fundamental policy changes from the 2021 Policy Letter which would have significant impacts practically in planning terms or would, as it became evident through legal drafting, have resulted in non-compliance with planning policy and should therefore be brought to the attention of the States.

⁷ See paragraphs 5.3 and 5.18 of the 2021 Policy Letter.

⁸ [States' Greffier Directive](#)

Table 1: Proposed changes to the 2021 agreed policy

Amendments agreed by the States in December 2021	Changes proposed following legislative drafting	Reasons for the changes
<p>Class 1(23). Removal of a hedge. (Development within the curtilage of a dwelling-house).</p> <p>Class 2(13)⁹. Removal of a hedge. (Development within the curtilage of a flat or a building containing flats).</p> <p>Class 4(10)¹⁰. Removal of a hedge. (Development within the curtilage of a non-domestic building).</p>	<p>Remove the condition that the removal of the hedge must not affect an existing vehicle access or create a new vehicle access or result in the ability to encroach into neighbouring land.</p> <p>Extend proposed condition to require a native species to be planted where the hedge is removed from a boundary with a highway or private pedestrian road, street, lane, or clos, however named.</p> <p>The 2021 condition only proposed this condition for boundaries with a neighbouring property.</p>	<p>This condition is no longer required because of the extension of the condition requiring the replacement of a hedge with another hedge of a native species where it is removed from a boundary with a highway or private pedestrian road etc.</p> <p>Where the hedge removed must be replaced these effects will not occur.</p> <p>The extension of the condition to require a hedge forming a boundary with a highway or private pedestrian road to be replaced with a new hedge of a native species means that the impact on loss of biodiversity will be reduced.</p>
<p>Class 1(37). Installation of energy storage equipment. (Development within the curtilage of a dwelling-house).</p> <p>Class 2(19)¹¹. Installation of</p>	<p>Add a condition in relation to noise level emission from the equipment.</p>	<p>This is required to control potential issues to neighbouring amenity, similar to requirements within Class 1(26) Air source heat pump/air conditioning unit.</p>

⁹ This was listed as new Class 1B.13 in the 2021 Policy Letter.

¹⁰ This was listed as new Class 2.10 in the 2021 Policy Letter.

¹¹ This was listed as new Class 1B.19 in the 2021 Policy Letter.

Amendments agreed by the States in December 2021	Changes proposed following legislative drafting	Reasons for the changes
<p>energy storage equipment. (Development within the curtilage of a flat or a building containing flats).</p> <p>Class 4(13)¹². Installation of energy storage equipment. (Development within the curtilage of a non-domestic building).</p>		
<p>Class 1(38). Placement of polytunnel. (Development within the curtilage of a dwelling-house).</p>	<p>Change height restriction conditions so that lower height of 3m only applies within 1m instead of within 2m of a neighbouring property. This means the height within 1m of a neighbouring boundary could be up to 3m in height and where located more than 1m away up to 3.5m in height.</p>	<p>This change will ensure consistency with other exemptions in Class 1.</p>
<p>Class 2(9)¹³. Hard-surfaced areas. (Development within the curtilage of a flat or a building containing flats).</p>	<p>Amend the condition to state that where extending an existing area of hard standing within a conservation area the material must be the same as that original material.</p>	<p>This change brings it in line with Classes 1(15) and 4(3) relating to hard-surfaced areas in other locations.</p>

¹² This was listed as new Class 2.13 in the 2021 Policy Letter.

¹³ This was listed as Class 1B.9 in the 2021 Policy Letter.

Amendments agreed by the States in December 2021	Changes proposed following legislative drafting	Reasons for the changes
<p>Class 3(3)¹⁴. Change in use of premises in multiple occupation to a use within Use Class 1 or 2. (Residential change of use).</p>	<p>Omit the requirement that the change would not result in subdivision of the building.</p> <p>The exemption has been altered to also apply to protected monuments.</p>	<p>This requirement is considered unnecessary as the exemption relates to change of use only and does not permit any operational development under which subdivision would fall.</p> <p>The 2021 Policy Letter did not reference protected monuments. However, the current exemption in this Class for change of use from use of part of a dwelling for business purposes to Use Class 1 or 2 applies to protected monuments and land within the curtilage of the same. This change would therefore be consistent with the existing exemption.</p>
<p>Class 5(1)¹⁵. Maintenance, repair, and minor alterations. (Maintenance, repair, minor alterations and temporary structures and uses).</p>	<p>Include the maintenance, repair or making of minor alterations to a flat or building containing flats or to structures/features within the curtilage of the same.</p>	<p>This would allow the same exemption for flats as currently applies to occupiers of dwelling-houses and non-domestic buildings to maintain, repair or make minor alterations. This was an oversight especially given that there are now new proposed exemptions for flats and buildings containing flats.</p>

¹⁴ This was listed as new Class 1A.2 in the 2021 Policy Letter.

¹⁵ This was listed as Class 3.1 in the 2021 Policy Letter.

Amendments agreed by the States in December 2021	Changes proposed following legislative drafting	Reasons for the changes
Class 5(2)¹⁶. Temporary development required during approved operations. (Maintenance, repair, minor alterations and temporary structures and uses).	Extend exemption to sites where engineering or other operations (but not mining operations) are taking place subject to the same terms and conditions as applies for building operations.	It is consistent to allow the exemption to apply in relation to engineering or other operations. Mining operations, such as the quarrying at Mont Cuet, are excluded from the exemption in view of the nature of the works but such operations arise rarely on Guernsey.
Class 8(5)¹⁷. Changes from general storage or distribution uses to general industrial use in Key Industrial Areas. (Storage, distribution and industrial change of use).	Remove the ability to change from general industrial use in a key industrial area to a general storage or distribution use.	This is already permissible under Class 8(4) with less restriction than that originally proposed under this narrower exemption.
Class 11(4)¹⁸. Change of use of upper floors of buildings in the Main Centres and Main Centre Outer Areas from retail use or office use to use as a flat. (Retail and administrative, financial and professional change of use).	Amend to apply only to Main Centres and add a condition that the total area of which the use is changed does not exceed 250sq.m. Widen to permit change to Use Class 5 as well as Use Class 2. Therefore, this would allow	The 2021 Policy Letter applied this exemption to also include land in the Main Centre outer areas and provided for no limit on the area of floorspace of which the use could change. However, this could have the unintended consequence of losing prime office space or large floor plates such as Admiral Park. The exemption is designed to make it easier for those buildings unsuitable for retail or office use to be

¹⁶ This was listed as Class 3.2 in the 2021 Policy Letter.

¹⁷ This was listed as new Class 6.5 in the 2021 Policy Letter.

¹⁸ This was listed as new Class 9.4 in the 2021 Policy Letter.

Amendments agreed by the States in December 2021	Changes proposed following legislative drafting	Reasons for the changes
	<p>premises unsuitable for retail/office use to be converted to either a residential flat or a residential flat also used for business purposes.</p>	<p>converted without the need for planning permission. The loss of prime office/retail space is not intended or desirable.</p> <p>The inclusion of a change of use to Use Class 5 would allow extra scope for the reuse of unsuitable buildings and would be consistent in policy terms with the exemption to allow a change of use from part of a dwelling for business purposes to use within Use Class 1 or 2.</p>
<p>Class 12(3)¹⁹. Changes of use between use as non-serviced visitor accommodation and use as a dwelling-house. (Visitor accommodation change of use).</p>	<p>Amend to remove the exemption for a change of use from a dwelling-house to self-catering accommodation.</p> <p>Allow only change of use of self-catering units from an existing use within Use Class 8²⁰, which originally formed part of a single dwelling-house, to a use within Use Class 1 or 5, for the purpose of allowing those units to revert back to use as part of the original dwelling-house, subject to all required conditions being met.</p>	<p>This exemption is not intended to allow the potential loss of residential units to use as self-catering units. This would be contrary to IDP policy and would result in a loss of housing stock.</p> <p>The exemption is in place to permit, without the need for planning permission, development which is supported by planning policy.</p>

¹⁹ This was listed as new Class 9A.3 in the 2021 Policy Letter.

²⁰ There was a typographical error referring to the use as self-catering units falling within Use Class 7 but this is corrected now to refer to Use Class 8 of the Use Classes Ordinance.

Amendments agreed by the States in December 2021	Changes proposed following legislative drafting	Reasons for the changes
	Remove the requirement that self-catering units must have a valid boarding permit but the exemption only applies where the change is from an existing Use Class 8 as stated above.	The removal of the requirement of the visitor accommodation to have a valid boarding permit would omit additional requirements on the applicant. It is considered sufficient that the change of use only applies to a change from Use Class 8.
Class 12(4)²¹ change of use from a visitor accommodation use on certain sites to use for certain residential uses. (Visitor accommodation change of use).	Remove the requirement in paragraph 6.5 of the 2021 Policy Letter relating to specified visitor accommodation premises “not been actively promoted as part of the active visitor accommodation bed stock” and replace with the requirement that the premises has not been advertised or promoted for use as visitor accommodation since 31 st December, 2020.	The word "actively" has been removed as it was considered it was clearer to have a less ambiguous requirement that it had not been advertised or promoted.
Class 13(1)²² Demolition of a shed, glasshouse, temporary or garden structure, fence, gate or exempt structure. (Demolition).	Reduce scope of suggested widening of exemption, in relation to structures erected/constructed etc. under planning permission, to apply only to any freestanding outbuildings– <ul style="list-style-type: none"> • for which planning permission was granted for the construction/erection etc of the same, and • which also fall within the curtilage of a dwelling house, flat or building 	It is considered that without this revision the exemption would have allowed any structure that had been given planning permission to be demolished without planning permission. This would have unintended consequences and could have resulted in necessary buildings/structures being demolished.

²¹ This was listed as new Class 11 at page 75 onwards of the 2021 Policy Letter.

²² This was listed as Class 10.1 in the 2021 Policy Letter.

Amendments agreed by the States in December 2021	Changes proposed following legislative drafting	Reasons for the changes
	<p>containing flats and used primarily for the domestic purposes of the relevant building</p> <p>subject to a condition that the demolition must not result in a breach of a term or condition of the planning permission under which the building was constructed/erected etc.</p>	

3 The ability to amend Schedule 1

- 3.1 A further provision is proposed within Section 1(7) of The Exemptions Ordinance which provides the Authority with the ability to amend Schedule 1 (the exemptions) for the purpose of amending, substituting, omitting or adding any proviso/condition ("condition") to an exemption, within the Schedule, by the making of Regulations. It would not allow the description of development exempted to be amended just the conditions attached. This would only apply to existing exemptions and would not permit the Authority to create new exemptions or remove existing ones without approval of the States.
- 3.2 The inclusion of this Regulation making power would allow the Authority to amend conditions to the exemptions relatively quickly should it become apparent that the condition has unintended consequences or if any difficulties arose on points of detail in the condition. In addition, it would allow for changes to the conditions attached to exemptions to be made, again relatively quickly, that reflect changes in technologies, design, materials or products, enabling the Authority to react to changes in the market more efficiently than currently. This allows a degree of future proofing and ensures the Authority can be reactive when needed without giving the Authority power to remove or add to the description of development exempted.

4 Conclusion

- 4.1 The changes detailed in section 2 of this Policy Letter provide greater clarity to the proposed changes to the exemptions and offer, in some cases, greater flexibility to homeowners in terms of development they can undertake. Additionally, the changes proposed ensure consistency with existing and other proposed exemptions and the relevant agreed States' policies including the IDP. Certain changes are also made to ensure that unintended consequences do not arise from the proposed changes.
- 4.2 The Exemptions Ordinance has been drafted to include the amendments and new exemptions approved by the States in 2021, subject to the changes proposed in sections 2 and 3 and Appendix 1 to this Policy Letter. If the States approve The Exemptions Ordinance it will have the effect of repealing and replacing the current 2007 Ordinance. The numbering in the new exemptions classes now runs consecutively so differs slightly to the numbering referred to in the 2021 Policy Letter but the headings to the exemption classes remain largely the same.

5 Compliance with Rule 4

- 5.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.
- 5.2 The following information is provided in conformity with Rule 4(1):
- a) The Propositions accord with the States' objectives and policy plans to "enable opportunities for regeneration" and support the community and economy in response to the COVID-19 pandemic.
 - b) Since the below stakeholders were consulted to inform the 2021 Policy Letter the Authority has not carried out any further consultation:
 - The Policy & Resources Committee;
 - The Committee *for* Economic Development;
 - The Committee *for* Education, Sport & Culture;
 - The Committee *for* Employment & Social Security;
 - The Committee *for the* Environment & Infrastructure;
 - The Committee *for* Health & Social Care;
 - The Committee *for* Home Affairs;
 - The States Trading Supervisory Board;
 - All States' Members; and
 - External industry specialists

- c) The Propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.
- d) No direct financial implications for the States of Guernsey have been identified because of the Propositions.

5.3 For the purposes of Rule 4(2):

- a) It is confirmed that the Propositions relate to the duties of the Development & Planning Authority to advise the States on land use policy and develop and implement land use policies through relevant instruments.
- b) It is confirmed that each of the Propositions have the unanimous support of the Authority.

Yours faithfully

V S Oliver
President

A W Taylor
Vice-President

C Blin
J F Dyke
A Kazantseva-Miller

APPENDIX 1: MINOR CHANGES TO THE 2021 AGREED AMENDMENTS

This Appendix lists the changes considered to amount to minor changes to points of detail and wording including changes to existing exemptions and the ‘Repeals, transitional provision and saving’ section.

Table 2 below sets out the minor changes that have been made to existing exemptions and the reasoning behind each change.

Table 2: Minor changes made to exemptions and the reasoning

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
<p>Class 1(1). Alterations to the external walls of a dwelling-house or an outbuilding. (Development within the curtilage of a dwelling-house).</p> <p>Class 2(1)¹. Alterations to the external walls of a building containing flats. (Development within the curtilage of a flat or a building containing flats).</p>	<p>Widen exemption in Class 1(1) to include alterations to allow the cladding for the first time of dwelling-houses, or outbuildings within the curtilage of dwelling-houses but not where the building is within a conservation area or substantially constructed before 1900. Re-cladding was already allowed under the 2021 proposals.</p> <p>Adjust wider policy of exemption for building containing flats so that cladding for first time not allowed for such a building in a conservation area consistent with exemption for dwelling-houses.</p>	<p>These changes offer homeowners greater flexibility in relation to the external appearance of their properties. This is in line with policy GP13 of the IDP. The restriction to not allow cladding for the first time on properties and outbuildings pre 1900 or where the structure is attached to a building which is pre-1900 or in conservation areas would reflect the ‘special’ nature of these buildings and the impact that this change could have on the area and property itself. This would align with IDP policies GP4 and GP8.</p>
<p>Class 1(2). Satellite dish antennas. (Development</p>	<p>Additional condition to clarify that no more than four satellite dishes in total can be installed on or within the curtilage of the dwelling-house.</p>	<p>Following drafting it became apparent that this could result in several dishes within the curtilage of, on the main building or on outbuildings within</p>

¹ This was listed as new Class 1B.1 in the 2021 Policy Letter.

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
within the curtilage of a dwelling-house).		the curtilage. It is therefore considered appropriate to specify a maximum number on or within the curtilage of the dwelling-house.
<p>Class 1(3). Solar products. (Development within the curtilage of a dwelling-house).</p> <p>Class 2(3)². Solar products. (Development within the curtilage of a flat or a building containing flats).</p> <p>Class 4(12)³. Solar products. (Development within the curtilage of a non-domestic building).</p>	<p>Remove the condition requiring products to be integrated if facing a highway.</p> <p>Require instead that where facing a highway the same type and design of solar product must be used.</p> <p>Draft definition of solar product flexibly to cover any future types of solar products, approved in writing by the Authority, not covered by current reference to solar photovoltaic and solar thermal equipment.</p>	<p>Discussions with stakeholders raised the concern that the requirement for panels to be integrated would result in additional costs as the roof covering would need to be stripped. This would deter people from installing solar products and would result in the need for a planning application to be made if not integrated.</p> <p>Requiring the same type and design of solar product to be used would achieve the same policy aim in terms of visual impacts and would reduce costs for owners/developers.</p> <p>The inclusion of the flexible wording in the definition of solar product will future proof for any new technologies for solar capture that come forward. This will allow the Authority discretion in permitting installation of these new types of product without the need to amend the Ordinance.</p>

² This was listed as new Class 1B.3 in the 2021 Policy Letter.

³ This was listed as Class 2.12 in the 2021 Policy Letter.

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
	<p>Add condition limiting the percentage of a roof or the ground within the curtilage covered by solar products where the products are located on, or within the curtilage of, a protected building or are on, or attached to, the relevant main structure (i.e. dwelling-house, flat/building containing flats) and that structure is substantially constructed pre-1900.</p> <p>Add condition in relation to non-domestic buildings limiting the percentage of the roof to be covered by solar products where the products are located on, or within the curtilage of a protected building or are on, or attached to, a non-domestic building substantially constructed pre-1900. The 2021 approved policy only referred to installation of solar products on any roof slope for non-domestic buildings but did not provide further detail.</p> <p>Widen the exemption to allow for solar products to be installed on structures as well as buildings in relation to non-domestic buildings.</p>	<p>Allowing ground mounted panels within the curtilage of non-domestic buildings could impact on ancillary facilities needed for those types of units i.e., parking, and would be difficult to control via exemption provisos/conditions. The ability to install ground mounted panels is not permitted unlike for residential units.</p> <p>To ensure consistency with the policy for dwelling-houses and flats where there are no planning reasons not to do so.</p>

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
<p>Class 1(4). Replacement of a door, window, roof-light, roof-lantern or sun tunnel in existing opening. (Development within the curtilage of a dwelling-house).</p>	<p>Sun tunnels⁴ were omitted from the 2021 Policy Letter so have been incorporated within this exemption.</p>	<p>Given the similarity of sun tunnels to roof lights and roof lanterns the inclusion of this type of window/feature is appropriate and is not significantly different to those products permitted in the 2021 Policy Letter.</p> <p>This also ensures consistency with policy for the related exemption for flats which includes sun tunnels.</p>
<p>Class 1(5). Installation of a door or window in a new aperture. (Development within the curtilage of a dwelling-house).</p> <p>Class 2(5)⁵. Installation of a door or window in a new or altered opening. (Development within the curtilage of a flat or a building containing flats).</p>	<p>Clarify that the original condition in the current exemption for dwelling-houses not allowing a new door or window to be installed above ground floor level is to be applied to all three exemptions.</p> <p>Apply condition that where a non-domestic building is substantially constructed before 1900, the new door or window is not installed on an elevation that faces a highway.</p>	<p>It was not clear from the 2021 Policy Letter that this original condition would be attached to all these exemptions. However, the omission of this condition would mean windows could be installed at upper levels which could have significant impacts on neighbouring residential amenity.</p> <p>This is to be consistent with the related exemptions for new doors and windows in dwelling-houses and flats and buildings containing flats. The inclusion of this condition would reduce the impact arising to the character and appearance of a pre-1900 building.</p>

⁴ Means a skylight with a highly reflective tunnel attached to it which channels light from the roof of a building into an area of the building below.

⁵ This was listed as new Class 1B.5 in the 2021 Policy Letter.

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
Class 4(6)⁶. Insertion of new doors or windows. (Development within the curtilage of a non-domestic building).		
1(6). Re-roofing. (Development within the curtilage of a dwelling-house).	Add condition to state that where the structure re-roofed is attached to a dwelling-house that is substantially constructed pre-1900, the materials used are natural slate or clay tiles.	An amendment to include structures attached to pre-1900 dwellings is consistent with the policy aim of reducing visual effects on more sensitive buildings.
Class 1(7). Installation of roof-light, roof-lantern or sun tunnel. (Development within the curtilage of a dwelling-house). Class 2(7)⁷. Installation of roof-light, roof-lantern or sun tunnel. (Development within the curtilage of a flat or a building containing flats).	<p>Omit the requirement that a roof lantern can only be installed on a flat roof.</p> <p>Amend exemption so that it applies to installation on flat or sloping roofs and adjust condition prohibiting insertion on a roof slope facing a highway where the building is substantially constructed pre-1900 so that it also applies where the products installed on a flat roof are positioned facing a highway.</p>	<p>This change is proposed because in practice it is unlikely that it would be installed on a sloping roof because of the product itself and therefore the condition would be superfluous.</p> <p>This change is consequential on applying the exemption to installations on flat roofs.</p>

⁶ This was listed as Class 2.6 in the 2021 Policy Letter.

⁷ This was listed as new Class 1B.7 in the 2021 Policy Letter.

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
	Add condition to restrict the insertion of these elements where they are positioned to face a highway where the building is substantially constructed pre-1900.	The inclusion of this condition would be consistent with other similar exemptions and would prevent potential impacts on the character and appearance of these more sensitive buildings.
Class 1(8). Installation of dormer or cladding of dormer cheeks. (Development within the curtilage of a dwelling-house).	<p>Amend exemption to allow the re-roofing of a dormer on any dwelling-house but where that dwelling-house was substantially constructed pre-1900 or within a conservation area, limit the use of the materials for re-roofing of a dormer to slate, clay tiles or the same material as that it is replacing.</p> <p>Amend general exemption for re-roofing in 1(6) to exclude re-roofing of dormers consequential on previous amendment to add those works to this exemption.</p>	Re-roofing of a dormer was not mentioned in the 2021 Policy Letter but the inclusion of these works in this exemption is more appropriate as it relates specifically to dormers and is consistent with allowing the re-roofing of the main roof under Class 1(6). The restriction on materials for dwelling-houses substantially constructed pre-1900 or within a conservation area also aligns with Class 1(6), except it also permits the use of the same material as that it replaces.
Class 1(10). The erection of an extension to a dwelling-house. (Development within the curtilage of a dwelling-house).	Amend existing proposed condition to clarify that requirement for glazing not to be allowed within 3 metres of the boundary with a neighbouring residential property only applies where included in an elevation which faces such a boundary.	The amendment clarifies the intended effect of this restriction. This would allow the construction of built form within 3m of the boundary but not allow glazing to be installed.
Class 1(11). Erection of a pergola or other garden structure for the support of plants. (Development	Increase in the height permitted where within 1m of the boundary of a neighbouring property from not exceeding 2m in height to not exceeding 3m in height.	This would bring the exemptions in line with the proposed height of an extension to a dwelling-house where within 1m of a neighbouring boundary (Class 1(10)), and it is considered that it

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
<p>within the curtilage of a dwelling-house).</p> <p>Class 1 (12). Erection of shed. (Development within the curtilage of a dwelling-house).</p> <p>Class 1(13). Erection of glasshouse. (Development within the curtilage of a dwelling-house).</p> <p>Class 1(14). Erection of freestanding garage, other outbuilding or car port. (Development within the curtilage of a dwelling-house).</p>	<p>This means that for garden structures for the support of plants there is just one maximum height of 3m wherever located. However, for sheds, glasshouses and free-standing garages and other outbuildings the height restriction is not exceeding 3m where sited within 1m from the boundary. Higher roof heights are allowed for structures in other locations.</p>	<p>would not have any additional impact on neighbouring amenity but would allow additional flexibility to householders.</p>
<p>Class 1(12). Erection of shed. (Development within the curtilage of a dwelling-house).</p> <p>Class 1(13). Erection of glasshouse. (Development</p>	<p>Alter to provide that relevant structures within the curtilage of a dwelling-house be used primarily (instead of solely or exclusively) for non-commercial purposes of the dwelling-house.</p>	<p>As Use Class 5 of the Use Classes Ordinance allows for use of part of a dwelling, used mainly as a residence, for business purposes, it is considered that these exemptions should be altered to allow for part use of a structure within the curtilage of a dwelling the use of which falls within that Use Class.</p>

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
<p>within the curtilage of a dwelling-house).</p> <p>Class 1(14). Erection of freestanding garage, other outbuilding or car port. (Development within the curtilage of a dwelling-house).</p> <p>Class 1(17). Domestic fuel containers. (Development within the curtilage of a dwelling-house).</p> <p>Definition of "extension" in Ordinance.</p>		
<p>Class 1(13). Erection of glasshouse. (Development within the curtilage of a dwelling-house).</p>	<p>Amend proposed height conditions so that where the roof is flat the height is limited to 4m.</p>	<p>It has been established that flat roof glasshouses are now available, so an amendment is required.</p>
<p>Class 1(14). Erection of freestanding garage, other outbuilding or car port. (Development within the</p>	<p>Remove the requirement for a pitched roof to be no less than 22.5 degrees and of natural slate or clay tiles where the dwelling-house is within a conservation area.</p>	<p>These changes were not referenced in the 2021 Policy Letter. However, some of the changes are consistent with other exemptions. The changes reflect current practices. It would also allow more</p>

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
<p>curtilage of a dwelling-house).</p>	<p>Broaden to allow the use of any material in relation to its construction.</p> <p>Add condition that where the structure erected is visible from a highway and is within a conservation area or attached to a dwelling-house which is substantially constructed pre-1900, that the garage, car port etc. does not have a flat roof.</p> <p>Remove the requirement for the structure to be no further than 30m from the house.</p> <p>Omit the requirement relating to the maximum height of any elevation of the garage or other outbuilding where it meets the eaves of the roof.</p>	<p>flexibility for homeowners to develop their dwelling-house without requiring planning permission in-line with policy GP13 of the IDP.</p> <p>The 2021 Policy Letter referred only to any type of cladding however the use of other materials would also be acceptable when applying the other provisos of this exemption</p> <p>This is different to Classes 1(12) (sheds) and 1(13) (glasshouses) because the impact of a free-standing garage, free standing outbuilding or detached/attached car port could have a much greater impact on the appearance of a conservation area if flat roofed.</p> <p>This ensures consistency with other exemptions within Class 1 where relating to domestic outbuildings.</p>
<p>Class 1(15). Hard-surfaced areas. (Development within the curtilage of a dwelling-house).</p>	<p>Amend proposed condition that no hard surface created forms a new vehicle or pedestrian access onto a highway to clarify that this includes a private pedestrian road, street, lane or clos. This</p>	<p>Private pedestrian road, street or clos was not specifically mentioned in the 2021 Policy Letter. The definition of highway does not include a private road unless accessed via vehicle. The</p>

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
<p>Class 2(9)⁸. Hard-surfaced areas. (Development within the curtilage of a flat or a building containing flats).</p> <p>Class 4(3)⁹. Hard-surfaced areas. (Development within the curtilage of a non-domestic building).</p>	<p>is necessary as such private pedestrian roads etc are not included in the definition of highway in the Ordinance.</p> <p>In Class 2(9), restrict proposed condition restricting the materials to be used to the existing materials so that it only applies within a Conservation Area.</p>	<p>change is proposed to restrict the creation of any new accesses to preserve road frontages and therefore the character of the built environment.</p> <p>To ensure consistency with the parallel exemptions in Classes 1(15) and 4(3).</p>
<p>Class 1(23). Removal of a hedge. (Development within the curtilage of a dwelling-house).</p> <p>Class 2(13)¹⁰. Removal of hedge. (Development within the curtilage of a flat or a building containing flats).</p>	<p>Remove condition requiring that the removal of a hedge must not result in encroachment onto neighbouring land.</p>	<p>The condition is removed as the removal of the hedge itself will not result in encroachment. Also, where a hedge forming a boundary with a neighbouring property is removed, it has to be replaced with a replacement hedge so that encroachment issues should not arise.</p>

⁸ This was listed as new Class 1B.9 in the 2021 Policy Letter.

⁹ This was listed as Class 2.3 in the 2021 Policy Letter.

¹⁰ This was listed as new Class 1B.13 in the 2021 Policy Letter.

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
<p>Class 4(10)¹¹. Removal of hedge. (Development within the curtilage of a non-domestic building).</p>		
<p>Class 1(23). Removal of a hedge. (Development within the curtilage of a dwelling-house).</p> <p>Class 1(26). Air source heat pump/air conditioning unit. (Development within the curtilage of a dwelling-house).</p> <p>Class 1(29). Widening of vehicle access. (Development within the curtilage of a dwelling-house).</p> <p>Class 1(31). Installation of electric charging point. (Development within the</p>	<p>Amend to state that exempt development under these classes is not permitted if the building to which it relates, or the exempt development is within a Site of Special Significance.</p>	<p>Carrying out the development permitted under these classes could cause harm to the area thus impacting on the special nature.</p>

¹¹ This was listed as Class 2.10 in the 2021 Policy Letter.

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
<p>curtilage of a dwelling-house).</p> <p>Class 1(34). Construction of external steps. (Development within the curtilage of a dwelling-house).</p> <p>Class 1(36). Construction of a ramp. (Development within the curtilage of a dwelling-house).</p> <p>Class 1(38). Placement of polytunnel. (Development within the curtilage of a dwelling-house).</p> <p>Class 2(8)¹². Erection of, or works to enclose, porch. (Development within the curtilage of a flat or a building containing flats).</p>		

¹² This was listed as new Class 1B.8 in the 2021 Policy Letter.

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
<p>Class 2(9)¹³. Hard-surfaced areas. (Development within the curtilage of a flat or a building containing flats).</p> <p>Class 2(10)¹⁴. Construction of external steps. (Development within the curtilage of a flat or a building containing flats).</p> <p>Class 2(11)¹⁵. Gates, fences and walls. (Development within the curtilage of a flat or a building containing flats).</p> <p>Class 2(13)¹⁶. Removal of a hedge (Development within the curtilage of a flat or a building containing</p>		

¹³ This was listed as new Class 1B.9 in the 2021 Policy Letter.

¹⁴ This was listed as new Class 1B.10 in the 2021 Policy Letter.

¹⁵ This was listed as new Class 1B.11 in the 2021 Policy Letter.

¹⁶ This was listed as new Class 1B.13 in the 2021 Policy Letter.

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
<p>flats).</p> <p>Class 2(16)¹⁷. Installation of electric charging point. (Development within the curtilage of a flat or a building containing flats).</p> <p>Class 2(18)¹⁸. Construction of a ramp. (Development within the curtilage of a flat or a building containing flats).</p> <p>Class 3(3)¹⁹. Temporary mesh/net fencing. (Residential change of use).</p> <p>Class 4(7)²⁰. Installation of an air source heat pump or air conditioning unit. (Development within the</p>		

¹⁷ This was listed as new Class 1B.16 in the 2021 Policy Letter.

¹⁸ This was listed as new Class 1B.18 in the 2021 Policy Letter.

¹⁹ This was not listed in the 2021 Policy Letter and is a new Class.

²⁰ This was listed as new Class 2.7 in the 2021 Policy Letter.

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
<p>curtilage of a non-domestic building).</p> <p>Class 4(9)²¹. Installation of electric charging point. (Development within the curtilage of a non-domestic building).</p> <p>Class 4(10)²². Removal of a hedge (Development within the curtilage of a non-domestic building)</p> <p>Class 5(3)²³. Erection of temporary mesh or net fencing to support plants. (Maintenance, repair, minor alterations and temporary structures and uses).</p> <p>Class 6(4)²⁴. Placement or</p>		

²¹ This was listed as new Class 2.9 in the 2021 Policy Letter.

²² This was listed as new Class 2.10 in the 2021 Policy Letter.

²³ This was listed as new Class 3.3 in the 2021 Policy Letter.

²⁴ This was listed as new Class 4.4 in the 2021 Policy Letter.

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
<p>erection of temporary polytunnel or glasshouse on land used for horticulture. (Agricultural development).</p> <p>Class 6(5)²⁵. Erection of other small-scale structures. (Agricultural development).</p> <p>Class 6(6)²⁶. Demolition or clearance of glasshouse and associated structures. (Agricultural development).</p>		
<p>Class 1(25). Installation of a chimney stack or flue (Development within the curtilage of a dwelling-house).</p>	<p>Amend the condition applying to certain, more sensitive, locations (those within a conservation area, pre-1900 or attached to a dwelling-house or another structure which is substantially constructed pre-1900) so that it refers to a position facing a highway instead of stacks or flues only installed on a roof slope.</p>	<p>This amendment is necessary to cover the case of a flue or chimney being installed on a wall or a flat roof.</p>

²⁵ This was listed as new Class 4.5 in the 2021 Policy Letter.

²⁶ This was listed as new Class 4.6 in the 2021 Policy Letter.

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
	<p>Add condition to require restriction on these features <i>not</i> installed in a position facing a highway where the building/structure on which it is installed is attached to the dwelling-house or other structure which is substantially constructed pre-1900.</p> <p>Add condition that chimney stack or flue can only be inserted on a dwelling-house or outbuilding.</p>	<p>This captures the erection of a chimney or flue which is not positioned facing a highway as the impacts on the conservation area or on the appearance of a building substantially constructed pre-1900 could be significant.</p> <p>Allowing the installation of these structures within the curtilage of a dwelling-house could result in chimneys or flues being installed against boundaries which would be undesirable because of impacts on neighbouring amenity.</p>
<p>Class 1(27). Change of ground levels. (Development within the curtilage of a dwelling-house).</p> <p>Class 4(8)²⁷. Excavation and change in ground levels. (Development within the curtilage of a non-domestic building).</p>	<p>Add condition stating that ground level must not be raised within 2m of a neighbouring boundary.</p>	<p>Restriction considered necessary to protect the amenity of neighbouring occupiers.</p>

²⁷ This was listed as new Class 2.8 in the 2021 Policy Letter.

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
Class 1(30). Alterations to roofs. (Development within the curtilage of a dwelling-house).	Altered to allow an additional increase in height from 4m to 4.5m where any part of the altered roof is located more than 1m from a boundary with a neighbouring property.	This has been altered to remain consistent with other height restrictions in similar locations within Class 1.
<p data-bbox="248 509 645 699">Class 1(32). Placement or erection of bike barn or storage unit. (Development within the curtilage of a dwelling-house).</p> <p data-bbox="248 746 645 1015">Class 2(17)²⁸. Placement or erection of bike barn or storage unit. (Development within the curtilage of a flat or a building containing flats).</p>	<p data-bbox="651 509 1319 663">Alter relevant conditions so that bike barns or storage units can be fixed to the ground but they cannot be attached to the dwelling-house/flat, or building containing flats or other structure.</p> <p data-bbox="651 711 1319 855">Include a maximum base area as well as height for the two different locations i.e., 1. located near or facing a highway or 2. located in other locations.</p>	<p data-bbox="1326 509 1995 584">This ensures these developments remain free standing as intended.</p> <p data-bbox="1326 711 1995 786">Limits the exemption in terms of base area as well as height.</p>
Class 2(6)²⁹. Re-roofing. (Development within the curtilage of a flat or a building containing flats).	<p data-bbox="651 1019 1319 1134">Clarify that exemption applies to individual flats as well as buildings containing flats and that re-roofing of a dormer is included.</p> <p data-bbox="651 1214 1319 1251">Expand to include restrictions on materials where</p>	<p data-bbox="1326 1019 1995 1174">To make the extent of the amendment clearer. The express reference to re-roofing of a dormer makes it clear that this is included in the exemption.</p> <p data-bbox="1326 1214 1995 1251">An amendment to include structures attached to</p>

²⁸ This was listed as new Class 1B.17 in the 2021 Policy Letter.

²⁹ This was listed as Class new 1B.6 in the 2021 Policy Letter.

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
	<p>the structure is attached to a building containing flats which is substantially constructed pre-1900.</p> <p>Amend the conditions to state that when re-roofing a dormer on a flat or a building containing flats within a conservation area or which forms part of, or is attached to, a building which is substantially constructed pre-1900, materials are limited to slate, clay tiles or the same material as that it is replacing. Other parts of the roof in such buildings are limited to slate and clay tiles (The same amendment is proposed to Class 4(2)³⁰ as detailed below).</p> <p>Remove requirement for the original construction of flat or building containing flats to be lawful.</p>	<p>such buildings containing flats is consistent with the policy aim of reducing visual effects on more sensitive buildings.</p> <p>The materials are limited on pre-1900 buildings, in conservation areas and where the structure re-roofed is attached to a building containing flats that is also substantially constructed pre-1900 consistent with Classes 1(6) and 1(8).</p> <p>This condition was removed to be consistent with the similar exemption for dwelling-houses and non-domestic buildings.</p>
<p>Class 2(8)³¹. Erection of, or works to enclose, porch. (Development within the curtilage of a flat or a building containing flats).</p>	<p>Add additional condition to restrict the erection of new porches where the flat or building containing flats is within a conservation area or substantially constructed pre-1900 to an elevation that doesn't face a highway.</p>	<p>This restriction would ensure consistency with Class 1(9).</p>

³⁰ This was listed as Class 2.2 in the 2021 Policy Letter.

³¹ This was listed as new Class 1B.8 in the 2021 Policy Letter.

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
	<p>Add condition to permit only one porch to each elevation of a flat or building containing flats.</p> <p>This has been further clarified to state that it applies to individual flats also.</p>	<p>The additional condition is added to ensure that there is a limitation on numbers in the interests of visual amenity and design. This is also consistent with Class 1(9).</p>
<p>Class 2(17)³². Placement of bike barn or storage unit. (Development within the curtilage of a flat or a building containing flats).</p>	<p>Change from 2021 Policy Letter as exemption now does not relate to building containing flats but only individual flats.</p>	<p>It was inconsistent with the policy intention and it was realised through drafting that the conditions meant that in practice these works could not have been carried out in relation to a building containing flats.</p>
<p>Class 3(2)³³. Change from a use within Use Class 1 or 2 to a use as part of dwelling for business purposes. (Residential changes of use).</p>	<p>Clarify the intention is</p> <ul style="list-style-type: none"> • to retain the existing exemption for a change from use as part of a dwelling for business purposes in Use Class 5 to use within Use Class 1 or 2 (in Class 3(1)); and • to create a new exemption for a change from Use Class 1 or 2 to use as part of a dwelling for business purposes. <p>Provide for the new exemption to apply to any land which is on or within the curtilage of a protected building or a protected monument</p>	<p>The 2021 Policy Letter did not refer to the existing exemption for a change from Use Class 5 (use as part of a building for business purposes) to Use Class 1 (dwelling-house or flat). The suggested amendment makes the policy intention clear that exemptions apply to both changes of use subject to the original conditions to be applied to the new exemption only for a change of use from Class 1 or 2 to Class 5.</p> <p>This is consistent with the existing exemption for a change from Use Class 5 to Use Class 1 or 2.</p>

³² This was listed as new Class 1B.17 in the 2021 Policy Letter.

³³ This was not set out as intended at Class 1A.1 in the 2021 Policy Letter. The current exemption was set out for a change of use from Use Class 5 to Use Class 1 or 2 but the proposed conditions were intended to apply instead to the new exemption for a change from Use Class 1 or 2 to Use Class 5.

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
	<p>consistent with the existing related exemption.</p> <p>Omit condition proposed for new exemption limiting number of rooms utilised and requiring principal use of building to be residential.</p>	<p>This is not necessary as the requirement that the use of the building is principally residential is already required under the Land Planning and Development (Use Classes) Ordinance, 2017 (Use Classes Ordinance) for premises to fall within Use Class 5.</p> <p>It was also considered, as part of the drafting process, that any limitation on the number of rooms should be provided for in the Use Classes Ordinance. However, it was decided that the current description of Use Class 5 in the Use Classes Ordinance should be amended to remove the requirement that the use is carried out in not more than two rooms. This was because it was regarded as a sufficient limitation to require the dwelling to be used principally as a residence for one household. This is consistent with policy in allowing more flexibility for householders in carrying out business from their residences.</p> <p>Any necessary consequential amendment to the Use Classes Ordinance was approved by the States in the resolutions following the 2021</p>

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
<p>Class 4(2)³⁴. Re-roofing. (Development within the curtilage of a non-domestic building).</p>	<p>Clarify that the re-roofing of dormers is included within the wording.</p> <p>Add a condition to say when re-roofing a dormer on a non-domestic building which is within a conservation area or substantially constructed pre-1900, materials are limited to slate, clay tiles or in the same material as that it is replacing. Other parts of the roof in such buildings are limited to slate and clay tiles.</p> <p>Expand the condition to require specific materials to be used also where a structure is attached to a non-domestic building which is substantially constructed pre-1900.</p> <p>Allow the re-roofing of either existing felt-clad or corrugated sheet clad roofs (not within a Conservation Area) to be re-roofed in natural slate, clay tiles, glass reinforced plastic (“GRP”) or</p>	<p>debate.</p> <p>The express reference to the re-roofing of a dormer makes it clear that this is also included in this exemption. However, the materials are limited on pre-1900 buildings and within conservation areas consistent with Classes 1(6), 1(8) and 2(6).</p> <p>Included to ensure that the impact on pre-1900 buildings is controlled. This could be affected by something attached to such a structure.</p> <p>The 2021 Policy Letter referred to the re-roofing of existing felt clad, flat roofs in GRP/single ply. The inclusion of all corrugated sheet-clad and felt-clad roofs would allow additional flexibility and would be consistent with the existing exemption in the 2007 Exemptions Ordinance. Allowing re-roofing of corrugated-sheet-clad roofs in specified other materials is consistent with the approved policy for felt clad roofs.</p>

³⁴ This was listed as Class 2.2 in the 2021 Policy Letter.

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
	<p>single ply roofing</p> <p>Adjust wording to clarify exemption is for re-roofing and not just re-cladding.</p>	
Class 4(14)³⁵. Installation of a roof fall protection system. (Development within the curtilage of a non-domestic building).	Change to include a skylight protection device which would include rails or a similar device for the purpose of arresting/preventing a fall through, or injury from falling onto, a sky light, roof light or similar structure.	This would allow further related development without planning permission and it is logical to include safety systems used in relation to skylights.
Class 5(3)³⁶. Erection of temporary mesh or net fencing to support plants. (Maintenance, repair, minor alterations and temporary structures and uses).	Clarify that the exemption is to apply on, or within, the curtilage of a dwelling-house, flat, building containing flats, or non-domestic building or on an outbuilding or other structure within the curtilage of any such building, including where such building is a protected building or a protected monument.	The 2021 Policy Letter is silent on the locations where the exemption would be applicable, but it is logical to also include all categories of buildings/curtilage to which most exemptions relate.
Class 6(2)³⁷. Installation of a gate on agricultural land. (Agricultural development)	Omit the requirement that the gate must not be used to provide gated parking.	It is not considered necessary to include this as the exemption only exempts installation of a gate on land used for agricultural purposes and so would not permit a change of use to use as a parking area. As such any parking would be in connection to and ancillary/incidental to the main agricultural use or amount to a minor use not

³⁵ This was listed as new Class 2.14 in the 2021 Policy Letter.

³⁶ This was listed as new Class 3.3 in the 2021 Policy Letter.

³⁷ This was listed as Class 4.2 in the 2021 Policy Letter.

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
		involving a material change of use of the land.
Class 7(5)³⁸. Development in relation to the supply of electricity. (Development by the States and public utility providers).	Amend the height of enclosures consisting of fencing where not within 1m of a highway boundary to 2.5m.	The actual height of GRP substation enclosures is 2.5m which forms the basis of this exemption. If the height permissible were not increased, planning permission would be required for all such enclosures contrary to the policy intention.
Class 7(10)³⁹. Minor works for navigational purposes. (Development by the States and public utility providers).	Omit the provision for the erection of CCTV within this exemption.	There is a separate existing exemption which permits the erection of CCTV where carried out by or on behalf of the States; therefore including a provision within this exemption is not necessary.
Class 7(17)⁴⁰. Water refill points. (Development by the States and public utility providers).	Add further conditions requiring that – <ul style="list-style-type: none"> • no advert is displayed on the water refill point, and • when the water refill point is no longer used/required it will be removed. 	The condition is consistent with the requirement that no advert is displayed on a bus shelter, cycle shelter/cycle hoop allowed under this class. This will ensure that any disused equipment is removed from the area therefore reducing visual clutter.
Class 10(2)⁴¹. Nameplates (Signs, advertisements and temporary art installations).	Amend to clarify that a nameplate should also not be displayed to a tree.	The 2021 Policy Letter refers only to extending this to not displaying on a hedge or earth bank, however the extension to also cover a tree is logical in relation to the other two elements.

³⁸ This was listed as Class 5.5 in the 2021 Policy Letter.

³⁹ This was listed as Class 5.10 in the 2021 Policy Letter.

⁴⁰ This was listed as new Class 5.17 in the 2021 Policy Letter.

⁴¹ This was listed as new Class 8.2 in the 2021 Policy Letter.

Changes noted in Policy Letter (December 2021)	Changes proposed following legal drafting	Reasons for changes necessary
<p>Class 10(9)⁴². Signs within an existing fascia board. (Signs, advertisements and temporary art installations).</p>	<p>Amend to clarify that the exemption applies to signs attached to a non-domestic building or other non-domestic structure.</p> <p>Amend condition relating to pre-1900 buildings so that it only applies where sign is erected in conservation areas or on a pre-1900 building and not where erected within the curtilage of such a building.</p>	<p>This provides further clarity to the exemption.</p> <p>The impact of signage in terms of materials, lettering and design can impact on the visual appearance of these more sensitive buildings and locations.</p>
<p>Class 10(13)⁴³. Temporary Art Installations. (Signs, advertisements and temporary art installations).</p>	<p>Additional condition included requiring the installation to not result in the removal of a landscape feature other than the art installation it is replacing.</p>	<p>The inclusion of this condition would ensure that there is no impact on the natural environment or loss of significant landscape feature that has benefit to the area. In this instance the definition of a landscape feature has been widened to incorporate existing art work as this could have been installed as a requirement of planning permission.</p>

⁴² This was listed as new Class 8.9 in the 2021 Policy Letter.

⁴³ This was listed as new Class 8.11 in the 2021 Policy Letter.

Changes to the 'Repeals, transitional provision and saving' section

It is proposed that the new Ordinance will include a standard, transitional provision for any development carried out before the commencement of the new Exemptions Ordinance but in accordance with the 2007 Ordinance. Owners and developers will have a period of 12 months to complete physical operational development, exempted under the 2007 Ordinance and started before the repeal of that Ordinance once the new Exemptions Ordinance commences. The development will have to be completed in accordance with the 2007 Ordinance.

States' approval is not being sought for this transitional/saving provision as it is considered it is implicit upon their approval of the existing amendments. However, this Policy Letter is detailing, for information, two differences from the transitional/saving provision in the 2007 Ordinance.

The first difference is it is proposed that the transitional/saving provision is not applied to material changes of use exempted under the 2007 Ordinance i.e., a change from one Use Class to another, for example, from a use as a dwelling in Use Class 1 or a flat in Use Class 2 to use as part of a dwelling for business purposes in Use Class 5. This is because such changes, unlike physical development, are not carried out over an extended period so it is very unlikely that a change of use would be ongoing when the Ordinance comes into force. Also, the new Ordinance contains parallel exemptions for changes of use so that the changes can be made when it comes into force.

The second difference is to include a provision clarifying that changes of use or notifications made under the current temporary visitor accommodation change of use exemption will be treated as being made under the mirrored exemption in the new Ordinance. The current and new exemptions apply to a temporary change of use of visitor accommodation made from late March 2020 until the end of December 2023 and provide for notifications to be made in relation to such changes. The provision will make it clear to owners of visitor accommodation that they will not have to resubmit notifications made under the current Ordinance as the changes of use and notifications will be treated as if made under the new Ordinance.

The Land Planning and Development (Exemptions) Ordinance, 2023

ARRANGEMENT OF SECTIONS

1. Exempt development.
2. Interpretation and construction.
3. Amendment of the Land Planning and Development (Use Classes) Ordinance, 2017.
4. Amendment of the Land Planning and Development (Visitor Accommodation) (Amendment etc.) Ordinance, 2021.
5. Repeals, transitional provision and saving.
6. Citation.
7. Commencement.

SCHEDULE 1: Exempt development

- | | |
|----------|--|
| Class 1 | Development within the curtilage of a dwelling-house. |
| Class 2 | Development within the curtilage of a flat or a building containing flats. |
| Class 3 | Residential change of use. |
| Class 4 | Development within the curtilage of a non-domestic building. |
| Class 5 | Maintenance, repair, minor alterations and temporary structures and uses. |
| Class 6 | Agricultural development. |
| Class 7 | Development by the States and Public Utility Providers. |
| Class 8 | Storage, distribution and industrial change of use. |
| Class 9 | Trees. |
| Class 10 | Signs, advertisements and temporary art installations. |
| Class 11 | Retail and administrative, financial and professional change of use. |
| Class 12 | Visitor accommodation change of use. |
| Class 13 | Demolition. |

SCHEDULE 2: Visitor Accommodation change of use. Descriptions of sites for the purposes of paragraph 4(1)(e) of Class 12 of Schedule 1.

The Land Planning and Development (Exemptions)

Ordinance, 2023

THE STATES, in pursuance of their Resolutions of the 15th December, 2021^a and the ** February, 2023^b, and in exercise of the powers conferred upon them by sections 13(4) to (6), 28, 78(1)(a) and 89 of the Land Planning and Development (Guernsey) Law, 2005^c, and of all other powers enabling them in that behalf, hereby order :-

Exempt development.

1. (1) Subject to subsections (4) and (5), planning permission is not required for the carrying out of any development specified in Schedule 1 in the circumstances, and subject to the provisos if any, specified in relation to that development in Schedule 1 and in subsections (2) and (3).

(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 comprising the erection of a new structure and falling within any one or more of -

(a) paragraphs 9 to 15 (porch, extension, garden structure, shed, glasshouse, garage, other outbuilding, car port or hard-surfaced areas),

^a Article No. IX of Billet d'État No. XXV of 2021.

^b Article No. ** of Billet d' d'État No. ** of 2023.

^c Order in Council No. XVI of 2005; this enactment has been amended.

(b) paragraph 19 (swimming or other pool), and

(c) paragraphs 34 (external steps) and 36 (external ramp),

of Class 1 to Schedule 1 (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) The proviso referred to in subsection (1), is that the total area of ground, within the curtilage of the flat or the building containing flats, covered by development comprising the erection of a new structure and falling within any one or more of -

(a) paragraphs 8 to 10 (porch, hard-surfaced areas or construction of external steps), and

(b) paragraph 18 (external ramp),

of Class 2 to Schedule 1 (development within the curtilage of a flat or a building containing flats), including that to be constructed, does not exceed 50% of the total area of the flat or building containing flats as it was originally constructed.

(4) Subsection (1) does not apply in relation to the carrying out of 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 Schedule 1 to such development.

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

(6) Where under any provision of Schedule 1 more than one proviso is attached to an exemption, the exemption applies only if all of those provisos are fulfilled.

(7) The Authority may by Regulations amend Schedule 1 for the purpose of amending, substituting, omitting or adding any proviso to an exemption in that Schedule.

Interpretation and construction.

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

"**agriculture**" includes dairy farming, livestock breeding and keeping, horticulture, fruit growing, seed growing, the use of land as arable land, an orchard or as grazing or pasture land, osier land, meadow land, market gardens and nursery grounds; and for the avoidance of doubt, a reference to "**agriculture**" or to any matter or use included within it in this definition includes any such matter or use whether or not carried on as a trade or business,

"**agricultural purposes**" includes all purposes directly connected with the use of land -

(a) for agriculture, or

(b) land treated as land used for agriculture in accordance with section 45A (glasshouse land etc.) of the Law,

but, for the avoidance of doubt, does not include any purposes connected with the use of land as a garden (other than a market garden),

"altered opening" means an opening that is being altered only to make minor alterations to accommodate a replacement door, window, roof-light, roof-lantern or sun tunnel,

"bike barn" means a structure which is designed and used for the shelter or storage of a bicycle, scooter, motorbike, mobility scooter or motorised wheel chair or other small vehicle but not for a car, van, lorry, caravan, motor-home or other large vehicle,

"boarding permit" means a permit granted by the States Committee for Economic Development under and for the purposes of the Tourist Law, 1948^d,

"building containing flats" means the communal parts, roof and external walls of a building containing flats,

"cycle" or **"bicycle"** includes a tricycle and an electric bicycle or electric tricycle,

"cabrio-roof-light" means a roof-light which opens to form a balcony or outlook area with a rail or balustrade projecting beyond the existing roof,

^d Ordres en Conseil Vol. XIII, p. 329; this enactment has been amended.

"**the Data Protection Law**" means the Data Protection (Bailiwick of Guernsey) Law, 2017^e,

"**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^f,

"**display**" in relation to an advertisement or sign includes attaching to or painting or otherwise exhibiting on any structure or placing on land,

"**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 given by section 29(1) of the Sewerage (Guernsey) Law, 1974^g,

"**dwelling-house**" does not include a flat, a building containing flats or a building the use of which falls within use class 6 (premises in multiple occupation),

"**exempt development**" means development which is exempted from the requirement for planning permission in accordance with section 1(1),

"**2007 Exemptions Ordinance**" means the Land Planning and Development (Exemptions) Ordinance, 2007^h,

^e Order in Council No. VI of 2018; this enactment has been amended.

^f Ordinance No. XXI of 2007; this enactment has been amended.

^g Ordres en Conseil Vol. XXIV, p. 372; this enactment has been amended.

"**existing opening**" does not include an altered opening,

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

"**flat**" means a self-contained dwelling comprising part of a building and laying wholly or partly above or below some other part of that building including -

- (a) that part of the building forming the external walls immediately outside the flat, and
- (b) any part of the roof of the building which only serves the flat,

"**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,

"**glazing**" includes glazing comprised of perspex or other plastics,

"**ground reinforcement system**" means a system installed for the purpose of reinforcing the ground which includes a plastic grid which may be filled with gravel or earth,

"**hard-surfaced area**" does not include an area covered by artificial grass,

h Ordinance No. XXIII of 2007; this enactment has been amended.

"**hedge**" includes part of a hedge but, for the avoidance of doubt, does not include an earthbank below a hedge,

"**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,

"**insulated render system**" means a system for insulating external walls of buildings which is installed on the outside of a building and the final external surface of which is comprised of render,

"**Island Development Plan**" means the Development Plan, entitled the Island Development Plan November, 2016, comprising the Written Statement and Proposals Map adopted by the States on 2nd November, 2016 as amended or replaced from time to time under the Law,

"**LA90 level**" means the average noise level, including low frequency sounds, for 90% of the measurement period,

"**landscape feature**" includes -

- (a) a tree, hedge, shrub or area of planting which forms a significant feature in the immediate landscape,
- (b) a tree, hedge, shrub, area of planting or other feature in the landscape which was planted in compliance with a condition of a planning permission, and

(c) only for the purposes of Classes 7 and 10 to Schedule 1 -

(i) street furniture within the meaning of paragraph 12(3) of Class 7 to Schedule 1, and

(ii) an art work installed for the benefit of -

(A) the public, or

(B) residents of a particular locality, highway or block of flats,

but, for the avoidance of doubt, not solely for the benefit of the residents of a single dwelling,

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

"**Main Centre**" means the inner areas of Town and the Bridge -

(a) as described, under "Main Centre" in paragraph 1.4.13 of the Island Development Plan, and

(b) which lie within the Main Centre Inner Boundary of Town and the Bridge as described, and marked by a brown boundary line, on the Proposals Map forming part of the Island Development Plan,

"**natural stone**" does not include reconstituted stone,

"noise sensitive building" means a building or part of a building comprising -

- (a) a dwelling-house, flat, building containing flats or a building the use of which falls within use class 6 (premises in multiple occupation),
- (b) a school within the meaning of section 1(1) of the Education (Guernsey) Law, 1970ⁱ, college of further education or other establishment where courses of study are carried on,
- (c) a nursing home or a residential home within the meaning of the Nursing Homes and Residential Homes (Guernsey) Law, 1976^j,
- (d) a hospital, or
- (e) a residential home for children or other establishment used for residential purposes not falling within paragraphs (a) to (d),

"non-domestic building" means a building (other than an outbuilding) which is used for a use not falling within any of use classes 1 to 6 (residential use classes),

"notified" means notified in writing,

ⁱ Ordres en Conseil Vol. XXII, p. 318; this enactment has been amended.

^j Ordres en Conseil Vol. XXVI, p. 71; this enactment has been amended.

"**operational area**" means, in relation to each place referred to in paragraphs 6 to 10 of Class 7 to Schedule 1, 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,

"**positioned at a high level**", where used in relation to a window or door, means a door or window the whole of which is positioned more than 1.7 metres above the floor level (not including any floor covering) of the floor on which it is installed,

"**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 highway**" means any vehicular or pedestrian road, street, lane or close, track or path, however named, used by the public,

"**public sewer**" has the meaning given by section 29(1) of the Sewerage (Guernsey) Law, 1974,

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

"**render**" does not include an insulated render system,

"**roof-lantern**" means a structure, comprised primarily of glazing, which increases the height of, and allows light into, a room,

"roof-light" means a window, in the same alignment as a roof slope, which does not project more than 30 centimetres from that roof slope,

"scooter" includes an electric scooter,

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

"solar product" means -

- (a) solar photovoltaic equipment, including, without limitation, solar tiles,
- (b) solar thermal equipment, including, without limitation, a solar hot water collector, or
- (c) any other description of equipment designed to capture energy from the sun which is approved in writing by the Authority for the purposes of this definition,

"SUDs" means a system for managing rainwater, snow and other precipitation, which -

- (a) operates so that rainwater, snow and other precipitation percolates through it into the ground on the site on which the system is located,
- (b) does not form part of a public sewer or a natural watercourse, and

- (c) is designed with the aim of -
- (i) reducing damage from flooding,
 - (ii) improving water quality,
 - (iii) protecting and improving the environment,
 - (iv) protecting health and safety, and
 - (v) ensuring the stability and durability of drainage systems,

"**sun tunnel**" means a skylight with a highly reflective tunnel attached to it which channels light from the roof of a building into an area of the building below,

"**timber**" includes composite materials which have the appearance of wood but are comprised of wood fibre and other materials,

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

"**waste**" has the meaning given by section 73(5) of the Environmental Pollution (Guernsey) Law, 2004^l.

(2) For the purposes of construction of Schedule 1 to this

^k The current use classes are identified in the Land Planning and Development (Use Classes) Ordinance, 2017.

^l Order in Council No. XIII of 2004; this enactment has been amended.

Ordinance, unless the context requires otherwise -

- (a) a reference to an "**existing**" structure or other feature or an "**existing**" use includes only a structure or other feature in place or a use carried on 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 a specified number of a structure or other feature (however worded) refers to the circumstances on completion of the new development concerned,
- (c) a proviso that something is "**not within**" a specified site, area, distance of any boundary or highway, or curtilage means that no part of it is within that site, area, 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 or maximum increase in height, in each case, however worded, means that no part of the structure or feature concerned is to exceed that maximum in height or projection or maximum increase in height except where such a maximum is expressly required only in relation to a particular part of such a structure or feature,

- (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,
- (g) an exemption which exempts the installation of anything on, or within the curtilage of, a dwelling-house includes, for the avoidance of doubt, the installation of the same in the garden or other land forming the curtilage of the dwelling-house or on an outbuilding or other structure within that curtilage,
- (h) a reference to a solar product being of the same product type (however worded) means that the solar products are -
 - (i) all of the same specific type of solar product (for example, all solar PV panels, solar tiles or solar water collectors or all of a particular product which falls with a description approved in writing by the Authority under paragraph (c) of the definition of "**solar product**"), and
 - (ii) all of the same design or one which the Authority has approved in writing as being similar.

Amendment of the Land Planning and Development (Use Classes) Ordinance, 2017.

3. (1) The Land Planning and Development (Use Classes) Ordinance, 2017^m is amended as follows.

(2) In the table relating to Residential use classes in Schedule 1 (use classes), in the second column of the entry relating to Residential use class 5, delete the words "and carried on in not more than two rooms".

Amendment of the Land Planning and Development (Visitor Accommodation) (Amendment etc.) Ordinance, 2021.

4. (1) The Land Planning and Development (Visitor Accommodation) (Amendment etc.) Ordinance, 2021ⁿ is amended as follows.

(2) In section 3 (further modification of section 48(4) of the Law in relation to certain changes of use from a visitor economy use to certain residential uses) -

(a) in subsection (1), for "Class 9A to the Schedule" substitute "Class 12 to Schedule 1",

(b) in subsection (2) -

(i) for "31st January, 2023" substitute "31st January, 2024" and

(ii) for "Class 9A of the Schedule" substitute "Class

^m Ordinance No. IV of 2017; this enactment has been amended.

ⁿ Ordinance No. XII of 2021; this enactment has been amended.

12 to Schedule 1".

(3) In section 4 (interpretation), in the definition of "**the Exemptions Ordinance**", for "2007" substitute "2023".

Repeals, transitional provision and saving.

5. (1) The Land Planning and Development (Exemptions) Ordinance, 2007, the Land Planning and Development (Exemptions) (Amendment) Ordinance, 2018^o, section 1 of the Land Planning and Development (Visitor Accommodation) (Amendment etc.) Ordinance, 2021 and section 1 of the Land Planning and Development (Visitor Accommodation) (Amendment) Ordinance, 2022^P are repealed.

(2) The lawfulness of any development carried out before the commencement of this Ordinance without the permission of the Authority but in accordance with the 2007 Exemptions Ordinance is not affected by the repeal of that Ordinance, and any such operational development commenced but not completed may be continued provided that it is completed within 12 months of that repeal and in accordance with the 2007 Exemptions Ordinance.

(3) For the avoidance of doubt, any change of use or notification made in accordance with paragraph 1 or 2 to Class 9A to the Schedule to the 2007 Exemptions Ordinance is, on and from the commencement of this Ordinance, to be treated as if made under the corresponding provision in paragraph 1 or 2 to Class 12 to Schedule 1 to this Ordinance.

^o Ordinance No. XVIII of 2018.

^P Ordinance No. I of 2022.

(4) In this section "**operational development**" means any development other than a material change of use.

Citation.

6. This Ordinance may be cited as the Land Planning and Development (Exemptions) Ordinance, 2023.

Commencement.

7. This Ordinance shall come into force on the ***, 2023.

SCHEDULE 1

Section 1(1)

EXEMPT DEVELOPMENT

CLASS 1

DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLING-HOUSE

Alterations to an external wall of a dwelling-house or an outbuilding.

1. Alterations to an external wall of a dwelling-house, or the external wall of an outbuilding within the curtilage of a dwelling-house, consisting of rendering, removing render or cladding in natural stone, timber or cement boards, provided that -

- (a) in the case of the cladding or rendering for the first time of an external wall, the development is not carried out in relation to any building which is -
 - (i) substantially constructed before 1900, or
 - (ii) attached to the dwelling-house in question where that dwelling-house is substantially constructed before 1900,
- (b) in the case of the cladding for the first time of an external wall, the dwelling-house or the outbuilding, on which the alterations are carried out, is not 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) any satellite dish antenna is to be used principally for the domestic purposes of that dwelling-house,
- (b) where it is installed on an elevation of the dwelling-house, there is only one satellite dish antenna on that elevation,
- (c) where it is installed within the curtilage of the dwelling-house but not attached to the dwelling-house, there is only one satellite dish antenna in the garden and any other land forming the curtilage of the dwelling-house,
- (d) the size of the satellite dish antenna, including any means of fixing does not exceed 1 metre, measured in any dimension,
- (e) there are no more than four satellite dish antennas in total installed on, or within the curtilage of, the dwelling-house.

Solar products.

3. Installation of solar products on, or 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) where the solar products are mounted on a sloping roof, they are installed parallel to the plane of the roof slope and project no more than 30 centimetres from that plane,
- (b) where the solar products are mounted on a flat roof, they are installed so that they are angled at no more than 10 degrees from the roof and project no more than 40 centimetres from the roof,
- (c) where the location at which the solar products are installed is, or is within the curtilage of, a protected building, the solar products are not installed on -
 - (i) a roof slope facing a highway, or
 - (ii) a flat roof with the products positioned facing a highway,
- (d) where the location at which the solar products are installed is not a protected building or is not within the curtilage of a protected building and solar products are installed on a roof slope facing a highway or on a flat roof with the products positioned facing a highway, the solar products installed must -
 - (i) be of the same product type, and
 - (ii) where existing solar products are installed on the same roof slope or area of a flat roof, be of

the same product type as the predominant type of existing solar products in that location,

- (e) where the solar products are mounted on the ground, none is located forward of any elevation of the dwelling-house that faces a highway,
- (f) where the solar products are mounted on the ground -
 - (i) none exceeds 2 metres in height,
 - (ii) the total area of the solar products installed, or of those solar products together with any other existing solar products mounted on the ground within the curtilage of the dwelling-house, does not exceed 10 square metres, and
 - (iii) none is located more than 30 metres from the dwelling-house,
- (g) where the location at which the solar products are installed is on, or is within the curtilage of, a protected building or is on, or attached to, the dwelling-house and the dwelling-house is substantially constructed before 1900 -
 - (i) where the solar products are mounted on a roof, the area of that roof covered by solar products must not exceed 50% of the total area of that roof, and

- (ii) where the solar products are mounted on the ground, the area of the ground within the curtilage of the dwelling-house covered by solar products must not exceed 50% of the total area of that curtilage,
- (h) the solar products are only mounted -
 - (i) on the roof of the dwelling-house, or
 - (ii) on the roof of an outbuilding or other structure, or on the ground, within the curtilage of the dwelling-house.

Replacement of a door, window, roof-light, roof-lantern or sun tunnel in existing opening.

4. The replacement of a door, window, roof-light, roof-lantern or sun tunnel within an existing opening in a dwelling-house provided that, where the dwelling-house is substantially constructed before 1900, the replacement is of the same design, has the same means of opening and is made of the same materials as the one it replaces.

Installation of a door or window in new or altered opening.

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

- (a) where the dwelling-house is substantially constructed before 1900, the new door or window is not installed on any elevation of the dwelling-house that faces a highway,

(b) where the new door or window is installed in an elevation of the dwelling-house that -

(i) has no existing window or door or only has a window or door -

(A) the glazing of which is all obscured,
or

(B) which is positioned at a high level,
and

(ii) faces a boundary with a neighbouring residential property,

the new door or window is not within 5 metres of that boundary,

(c) where the new door or window is installed in an elevation of the dwelling-house that -

(i) has an existing window or door -

(A) any of the glazing of which is not obscured, and

(B) which is not positioned at a high level, and

(ii) faces a boundary with a neighbouring residential property,

the new door or window is not within 3 metres of that boundary,

- (d) 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 or any other structure within the curtilage of a dwelling-house other than the re-roofing of a dormer, including a limited increase to the height of the roof which is reasonably necessary in relation to the re-roofing works, provided that -

- (a) where the dwelling-house, outbuilding or other structure on which the re-roofing is carried out -
 - (i) is within a conservation area,
 - (ii) is substantially constructed before 1900, or
 - (iii) is attached to the dwelling-house in question and the dwelling-house is substantially constructed before 1900,

the material used is natural slate or clay tiles,

- (b) in the case of the re-roofing of an outbuilding or other structure, the original construction, erection or placement of the outbuilding or other structure was carried out lawfully,
- (c) any increase in the height of the roof is no more than

30 centimetres measured externally.

Installation of roof-light, roof-lantern or sun tunnel.

7. The installation of a roof-light (other than a cabrio-roof-light), roof-lantern or sun tunnel on the roof of a dwelling-house provided that -

- (a) where the roof-light, roof-lantern or sun tunnel is installed on a sloping roof within 10 metres of a boundary with a neighbouring residential property, the height of the cill of the roof-light, roof-lantern or sun tunnel is at least 1.7 metres measured from the finished internal floor of the dwelling-house,
- (b) where the roof-light, roof-lantern or sun tunnel is installed in a position where it faces a highway -
 - (i) it does not exceed 1 metre, measured in any dimension, and
 - (ii) there are no more than two roof-lights, roof-lanterns or sun tunnels in total facing that highway on the roof in question,
- (c) where the dwelling-house is substantially constructed before 1900, the roof-light, roof-lantern or sun tunnel is not installed in a position facing a highway.

Installation or re-roofing of dormer or cladding of dormer cheeks.

8. The installation of a dormer within the roof-space of a dwelling-house, the re-roofing of a dormer or the cladding of the sides of a dormer ("**dormer**

cheeks") on the roof of a dwelling-house, provided that -

- (a) in the case of the installation of a dormer, where the dormer is installed on a sloping roof that faces a highway -
 - (i) it does not exceed 1.1 metres in width measured externally, and
 - (ii) there are no more than two dormers on the roof slope in question,
- (b) in the case of the installation of a dormer, where the dormer is installed on a sloping roof that does not face a highway -
 - (i) it does not exceed 2 metres in width measured externally, and
 - (ii) there are no more than two dormers on the roof slope in question,
- (c) in the case of the installation of a dormer, any glazed elements in the dormer are not located within 10 metres, measured horizontally, of a boundary with a neighbouring residential property,
- (d) in the case of the re-roofing of a dormer or the cladding of dormer cheeks, where the dwelling-house is within a conservation area or is substantially constructed before 1900, the material used is natural

slate or clay tiles or the same material as that which is being replaced.

Erection of, or works to enclose, porch.

9. The erection of a porch, or carrying out works to enclose an existing porch, on any elevation of a dwelling-house provided that -

- (a) in the case of the erection of a porch 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) in the case of the erection of a porch for the first time, the floor area of the porch does not exceed 6 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 each elevation of 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 is located on an elevation of the house that is not visible from a highway,
- (c) the floor area of the extension does not exceed 30 square metres,
- (d) the height of the roof of the extension -
 - (i) where the roof is pitched, does not exceed 4.5 metres measured to the apex of that roof, or
 - (ii) where the roof is flat, does not exceed 3.5 metres,
- (e) where any part of the extension is located within 1 metre of any boundary with a neighbouring property, the height of that part does not exceed 3 metres,
- (f) glazing is not included within any elevation which faces a boundary with a neighbouring property and is located within 3 metres of that boundary,
- (g) any opening designed to admit a motor vehicle is set back at least 5 metres from a highway accessible from that opening,
- (h) the dwelling-house, including the extension to be erected, is not within a site of special significance.

Erection of a pergola or other garden structure.

11. The erection of a pergola or other garden structure designed and used for the support of plants 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, 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) 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 primarily for the non-commercial purposes of that dwelling-house, including where such house or its curtilage is, or is within the curtilage of, a protected building or a protected monument, 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 roof of the shed -
 - (i) where the roof is pitched, does not exceed 4.5 metres measured to the apex of the roof, or
 - (ii) where the roof is flat, does not exceed 3.5 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 3 metres,
- (d) the base area of the shed does not exceed 10 square metres,
- (e) there is only one shed within the curtilage,
- (f) 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 primarily for the non-commercial purposes of that dwelling-house, including where such house or its curtilage is, or is within the curtilage of, a protected building or a protected monument, 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 roof of the glasshouse -
 - (i) where the roof is pitched, does not exceed 4.5 metres measured to the apex of the roof, or
 - (ii) where the roof is flat, 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 3 metres,

- (d) the base area of the glasshouse does not exceed 30 square metres,
- (e) there is only one glasshouse within the curtilage,
- (f) neither the dwelling-house nor the glasshouse is within a site of special significance.

Erection of freestanding garage, other outbuilding or car port.

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

- (a) no part of the garage, car port or other outbuilding extends forward of any elevation of the dwelling-house that faces a highway,
- (b) where the garage, car port or other outbuilding erected is visible from a highway and is -
 - (i) within a conservation area, or
 - (ii) attached to the dwelling-house in question and the dwelling-house is substantially constructed before 1900,

the garage, car port or outbuilding erected does not have a flat roof,

- (c) the height of the roof of the garage, car port, or other outbuilding -
 - (i) where that roof is pitched, does not exceed 4.5 metres measured to the apex of the roof, or
 - (ii) where the roof is flat, does not exceed 3.5 metres,
- (d) where any part of the garage, car port or other outbuilding is located within 1 metre of the boundary of a neighbouring property, the height of that part does not exceed 3 metres,
- (e) the base area of the garage, car port or other outbuilding does not exceed 30 square metres,
- (f) any opening designed to admit a motor vehicle is set back at least 5 metres from a highway accessible from that opening,
- (g) there is only one of any such structure in total within the curtilage,
- (h) neither the dwelling-house nor the garage, car port or other outbuilding erected 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 hard-surfaced area is within a conservation area -
 - (i) in the case of an extension of an existing hard-surface, the material used is the same as the existing material, or
 - (ii) in any other case, the material used comprises -
 - (A) loose laid natural stone gravel,
 - (B) pavements or bricks made, in either case, from concrete or clay,
 - (C) natural stone setts or natural paving slabs,
 - (D) timber boarding, or
 - (E) a ground reinforcement system,
- (b) no part of any area created or extended is more than 30 metres from the dwelling-house,
- (c) no part of any area created or extended forms a new vehicle or pedestrian access onto a highway or a private pedestrian road, street, lane or close, however named,
- (d) the height of any timber decking or other hard-surface

created is not more than 50 centimetres above ground level,

- (e) in the case of the creation or re-surfacing of a hard-surfaced area but not the extension of an existing hard-surfaced area, the hard-surface must be created or resurfaced so that -
 - (i) it is permeable, and
 - (ii) rainwater drains from the area into a soakaway or SUDS,
- (f) neither the dwelling-house nor the hard-surfaced area is within a site of special significance.

Gates, fences and walls.

16. The erection or replacement of a gate, fence, or wall 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) in the case of the replacement of a gate, fence or wall, the original construction, erection or placement of the gate, fence or wall was carried out lawfully,
- (g) 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 where that container is used primarily 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) neither the dwelling-house nor the swimming or other pool is within a site of special significance,
- (c) the swimming or other pool is not 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) the size of the mirror, including any means of fixing,

does not exceed 90 centimetres, measured in any dimension,

- (b) the mirror is installed so that it does not interfere with the flow of traffic on a highway or movement of pedestrians on a highway.

Installation of a flagpole.

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.

Removal of a hedge.

23. The removal of a hedge within or along a boundary of 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 removal of the hedge is not carried out in the period beginning on 1st March and ending on the 31st July in any calendar year,
- (b) where the hedge that is removed forms a boundary with a neighbouring property, a highway or a private pedestrian road, street, lane or clos, however named, it is replaced with another hedge of a species native to Guernsey within a period of eight weeks starting on the date of the removal of the original hedge,
- (c) the hedge does not form a field boundary,
- (d) neither the dwelling-house nor the hedge is within a site of special significance.

Demolition or rebuilding of a chimney stack.

24. The demolition, demolition and rebuilding or the rebuilding of a chimney stack on, or within the curtilage of, a dwelling-house, provided that -

- (a) where the dwelling-house, outbuilding or other structure, within the curtilage of the dwelling-house to which the chimney stack is attached, is substantially constructed before 1900, the chimney stack must be rebuilt and be of the same design and materials as the one it replaces,

- (b) in any other case, where the chimney stack is demolished and not rebuilt, the materials in the location of the former chimney stack must match the predominant material used in the relevant part of the roof of the dwelling-house, outbuilding or other structure in question.

Installation of a chimney stack or flue.

25. The installation of a chimney stack or flue for a boiler or stove on a dwelling-house or an outbuilding within the curtilage of a dwelling-house, provided that where the dwelling-house or outbuilding on which the installation is carried out -

- (a) is within a conservation area,
- (b) is substantially constructed before 1900, or
- (c) is attached to the dwelling-house or another structure, within the curtilage of the dwelling-house, which is substantially constructed before 1900,

the chimney stack or flue must not be installed in a position facing a highway.

Installation of an air source heat pump or air conditioning unit.

26. The installation of an air source heat pump or an air conditioning unit within the curtilage of a dwelling-house, provided that -

- (a) there is only one in total of either such appliance within the curtilage,
- (b) there is only one fan in the air source heat pump or air

conditioning unit,

- (c) the air source heat pump or air conditioning unit -
 - (i) is not within 1 metre of a boundary with a neighbouring property, and
 - (ii) does not exceed 1 metre in height, 1 metre in width and 350 mm in depth,
- (d) the noise level emitted from the air source heat pump or air conditioning unit, when calculated at 1 metre from the outside face of the closest elevation of the nearest neighbouring noise sensitive building, does not exceed 5 decibels below the LA90 level of the background noise measured at that location prior to installation of the pump or unit,
- (e) neither the dwelling-house nor the air source heat pump or air conditioning unit is within a site of special significance.

Change of ground levels.

27. Development to raise or lower the level of the ground within the curtilage of a dwelling-house provided that -

- (a) neither the dwelling-house nor its curtilage is within a site of special significance,
- (b) the increase or decrease in the height of the ground does not exceed 50 centimetres,

- (c) the level of the ground is not raised within 2 metres of a boundary with a neighbouring property,
- (d) there are no protected trees or roots of protected trees within the area in which the ground level is to be changed,
- (e) the excavation does not result in the creation of a swimming pool, spa pool, other pool or pond.

Installation of external insulated render system.

28. (1) The installation of an insulated render system to the external walls of a dwelling-house provided that, where the dwelling-house is within a conservation area or is substantially constructed before 1900, the installation does not result in the loss of or obscuring of any distinctive features.

(2) In this paragraph "**distinctive features**" includes, without limitation, granite detailing, brick arches, decorative quoins and render bands.

Widening of vehicular access.

29. The widening of a vehicular access to a dwelling-house, within the curtilage of a dwelling-house, provided that -

- (a) there is only one vehicular access serving the dwelling-house,
- (b) the vehicular access is not within a conservation area,
- (c) neither the dwelling-house nor the vehicular access is within a site of special significance,

- (d) the dwelling-house is not substantially constructed before 1900,
- (e) the width of the widened vehicular access, measured at the point where the boundary of the curtilage of the dwelling-house meets the highway, does not exceed 4 metres.

Alterations to roofs.

30. The alteration of the roof of an extension to a dwelling-house or the roof of an outbuilding within the curtilage of a dwelling-house provided that -

- (a) the extension or outbuilding on which the alteration is carried out is not substantially constructed before 1900,
- (b) the extension or outbuilding is not attached to the dwelling-house in question where the dwelling-house is substantially constructed before 1900,
- (c) the original construction of the extension or outbuilding was carried out lawfully,
- (d) where any part of the altered roof is located within 1 metre of a boundary with a neighbouring property, the height of that part does not exceed 3 metres,
- (e) where any part of the altered roof is located 1 metre or more from a boundary with a neighbouring property, the height of that part does not exceed -

- (i) 4.5 metres if the roof is pitched, measured to the apex of the roof, or
- (ii) 3.5 metres if the roof is flat.

Installation of electric charging point.

31. (1) The installation of an electric charging point on, or 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) subject to subparagraph (2), the charging point must be installed principally for the use of vehicles used in connection with the use of the dwelling-house as a dwelling,
- (b) the charging point must be installed so that a vehicle using it is located wholly within the curtilage of the dwelling-house,
- (c) neither the dwelling-house nor the electric charging point is within a site of special significance.

(2) Subparagraph (1)(a) does not prevent the installation of a charging point to be used by a company car or trade van which is also used as a means of private transport by the residential occupier of the dwelling-house.

Placement or erection of bike barn or storage unit.

32. The placement or erection of a bike barn or a storage unit used for the storage of items used in connection with the use of the dwelling-house as a dwelling, 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 bike barn or storage unit is not attached to the dwelling-house or another structure within the curtilage of the dwelling-house,
- (b) where the bike barn or storage unit is located forward of an elevation of the dwelling-house in a position facing a highway or is otherwise located within 1 metre of a highway -
 - (i) its base area does not exceed 3 square metres,
 - (ii) it does not exceed 1.2 metres in height, and
 - (iii) there is only one bike barn or storage unit in total in that location,
- (c) where the bike barn or storage unit does not fall within item (b) -
 - (i) its base area does not exceed 6 square metres, and
 - (ii) it does not exceed 2 metres in height.

Replacement of balustrade.

33. The replacement of a balustrade around a balcony of a dwelling-house or an outbuilding or other freestanding building within the curtilage of a dwelling-house or around a terrace located within the curtilage of a dwelling-house, provided that -

- (a) the existing balcony or terrace is not extended as part of the development,
- (b) the height of the balustrade, measured from the floor of the balcony or terrace, is at least 1.1 metres but does not exceed 1.8 metres,
- (c) any existing privacy screen around the balcony or terrace is retained or replaced by a new screen of the same size, design (including level of opacity) and materials.

Construction of external steps.

34. The construction of external steps within the curtilage of a dwelling-house provided that -

- (a) none of the steps is located more than 30 metres from the dwelling-house,
- (b) where any part of the steps is located within 2 metres of a boundary with a neighbouring property, the height of any step does not exceed 50 centimetres above the existing ground level where the step is located,
- (c) where any part of the steps is located 2 metres or more from a boundary with a neighbouring property, the height of any step does not exceed 1.5 metres above ground level,

- (d) neither the dwelling-house nor any part of the steps is within a site of special significance.

Construction of earthbanks.

35. The construction of an earthbank 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) neither the dwelling-house nor the earthbank is within a site of special significance,
- (b) where the earthbank is located adjacent to a highway, its height does not exceed 90 centimetres,
- (c) the earth bank must be constructed so that -
 - (i) it has a gradient of 1:4 and is turfed with natural grass, or
 - (ii) it has a gradient of 1:3 and is turfed or seeded with natural grass or natural grass seeds.

Construction of external ramp.

36. The construction of an external ramp, within the curtilage of a dwelling-house, to provide access to the dwelling-house, 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 ramp is within a site of special significance.

Installation of energy storage equipment.

37. The installation of equipment to store energy at ground floor level on any elevation of a dwelling-house which cannot be seen from a highway provided

that -

- (a) there is only one such item of equipment installed on the dwelling-house,
- (b) the noise level emitted from the equipment, when measured at 1 metre from the outside face of the closest elevation of the nearest neighbouring noise sensitive building, does not exceed 5 decibels below the LA90 level of the background noise measured at that location prior to installation of the equipment.

Placement of polytunnel.

38. The placement of a polytunnel 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 area of the polytunnel does not exceed 30 square metres,
- (b) where any part of the polytunnel is located within 1 metre of a boundary with a neighbouring property, the height of that part does not exceed 3 metres,
- (c) where any part of the polytunnel is located 1 metre or more from a boundary with a neighbouring property, the height of that part does not exceed 3.5 metres,
- (d) where the polytunnel is not used throughout an entire calendar year, it must be removed from the site within

two months of the end of that calendar year,

- (e) neither the dwelling-house nor the polytunnel is within a site of special significance.

CLASS 2

DEVELOPMENT WITHIN THE CURTILAGE OF A FLAT OR A BUILDING CONTAINING FLATS

Alterations to an external wall of a building containing flats.

1. Alterations to an external wall of a building containing flats consisting of rendering, removing render or cladding in natural stone, timber or cement boards, provided that -

- (a) the same alterations, including design and materials used, are made to the entire wall,
- (b) in the case of cladding or rendering for the first time of an external wall, the building is not substantially constructed before 1900,
- (c) in the case of the cladding for the first time of an external wall, the building containing flats is not within a conservation area.

Satellite dish antennas.

2. Installation of a satellite dish antenna on an external elevation of a flat which the dish serves, or on an outbuilding or other structure within the curtilage of a flat, provided that -

- (a) any satellite dish antenna is to be used principally for

the domestic purposes of the flat,

- (b) there is only one satellite dish installed in total on an external elevation of the flat and any other land within the curtilage of the flat,
- (c) the size of the satellite dish antenna, including any means of fixing, does not exceed 1 metre, measured in any dimension.

Solar products.

3. (1) Installation of solar products -

- (a) on, or within the curtilage of a flat, or
- (b) on, or within the curtilage of, a building containing flats,

including on an outbuilding within either such curtilage or where such flat or building containing flats, or its curtilage is, or is within the curtilage of, a protected building and provided that the provisos in subparagraph (2) are fulfilled.

(2) The provisos referred to in subparagraph (1) are that -

- (a) where the solar products are mounted on a sloping roof, they are installed parallel to the plane of the roof slope and project no more than 30 centimetres from that plane,
- (b) where the solar products are mounted on a flat roof, they are installed so that they are angled at no more

than 10 degrees from the roof and project no more than 40 centimetres from the roof,

(c) where the location at which the solar products are installed is, or is within the curtilage of, a protected building, the solar products are not installed on -

(i) a roof slope facing a highway, or

(ii) a flat roof with the products positioned facing a highway,

(d) where the location at which the solar products are installed is not a protected building, or is not within the curtilage of a protected building and solar products are installed on a roof slope facing a highway or on a flat roof with the products positioned facing a highway, the solar products installed must -

(i) be of the same product type, and

(ii) where existing products are installed on the same roof slope or area of a flat roof, be of the same product type as the predominant type of existing solar products in that location,

(e) where the solar products are mounted on the ground, none is located forward of any elevation of the flat or building containing flats, within the curtilage of which the solar products are installed, that faces a

highway,

- (f) where the solar products are mounted on the ground -
 - (i) none exceeds 2 metres in height,
 - (ii) the total area of the solar products installed, or of those solar products together with any other existing solar products mounted on the ground within the curtilage of the flat or building containing flats where the solar products are installed, does not exceed 10 square metres, and
 - (iii) none is located more than 30 metres from the flat or building containing flats within the curtilage of which the solar products are installed,
- (g) where the location at which the solar products are installed is on, or is within the curtilage of, a protected building, forms part of a building which is substantially constructed before 1900 or is attached to a building containing flats and that building is substantially constructed before 1900 -
 - (i) where the solar products are mounted on a roof, the area of that roof covered by solar products must not exceed 50% of the total area of that roof, and

- (ii) where the solar products are mounted on the ground, the area of the ground, within the curtilage of the flat or building containing flats where the solar products are installed, must not exceed 50% of the total area of that curtilage,
- (h) the solar products are only mounted -
 - (i) on the roof of the flat or building containing flats, or
 - (ii) on the roof of an outbuilding or other structure, or on the ground, within the curtilage of the flat or building containing flats.

Replacement of a door, window, roof-light, roof-lantern or sun tunnel in existing opening.

4. The replacement of a door, window, roof-light, roof-lantern or sun tunnel within an existing opening in a flat or in a building containing flats provided that, where the location at which the replacement is carried out forms part of, or comprises, a building which is substantially constructed before 1900, the replacement is of the same design, means of opening and made of the same materials as the one it replaces.

Installation of a door or window in new or altered opening.

5. The installation of a door or window within a new or altered opening in a flat or in a building containing flats, provided that -

(a) where the flat or the building containing flats, on which the installation is carried out, forms part of, or comprises, a building which is substantially constructed before 1900, the new door or window is not installed on any elevation that faces a highway,

(b) where the new door or window is installed in an elevation of the flat or a building containing flats that -

(i) has no existing window or door or only has a window or door -

(A) the glazing of which is all obscured,
or

(B) which is positioned at a high level,
and

(ii) faces a boundary with a neighbouring residential property,

the new door or window is not within 5 metres of that boundary,

(c) where the new door or window is installed in an elevation of a flat or a building containing flats that -

(i) has an existing window or door -

(A) any of the glazing of which is not

obscured, and

(B) which is not positioned at a high level, and

(ii) faces a boundary with a neighbouring residential property,

the new door or window is not within 3 metres of that boundary,

(d) the window or door is not installed in a flat or a building containing flats at ground floor or raised basement level in a position where it overlooks -

(i) a garden or patio of a flat in the same building, other than a flat in which the window or door is being installed, or

(ii) a communal garden, patio or other external, communal area within the curtilage of the same building,

(e) the new door or window is not installed above ground floor level.

Re-roofing.

6. The re-roofing of a flat, a building containing flats or of an outbuilding or any other structure within the curtilage of a flat or a building containing flats, including a limited increase to the height of the roof which is reasonably necessary in relation to the re-roofing works, provided that -

- (a) where the flat, building containing flats, outbuilding or other structure on which the re-roofing is carried out is within a conservation area, is substantially constructed before 1900 or is attached to the building containing flats and the building containing flats is substantially constructed before 1900, the material used is -
 - (i) in the case of any re-roofing other than in relation to a dormer, natural slate or clay tiles, or
 - (ii) in the case of the re-roofing of a dormer or the cladding of dormer cheeks, natural slate, clay tiles or the same material as that which is being replaced,
- (b) in the case of the re-roofing of an outbuilding or other structure, the original construction, erection or placement of the outbuilding or other structure was carried out lawfully,
- (c) any increase in the height of the roof is no more than 30 centimetres measured externally.

Installation of roof-light, roof-lantern or sun tunnel.

7. The installation of a roof-light (other than a cabrio-roof-light), roof-lantern or sun tunnel on the roof of a flat or a building containing flats provided that -

- (a) where the roof-light, roof-lantern or sun tunnel is installed on a sloping roof which faces and is within 10 metres of a boundary with a neighbouring residential property, the height of the cill of the roof-light, roof-lantern or sun tunnel is at least 1.7 metres measured from the finished internal floor of the flat or building containing flats on which the installation is carried out,
- (b) where the roof-light, roof-lantern or sun tunnel is installed in a position where it faces a highway -
 - (i) it does not exceed 1 metre, measured in any dimension, and
 - (ii) there are no more than two roof-lights, roof-lanterns or sun tunnels in total facing that highway on the roof in question,
- (c) where the flat or building containing flats, on which the installation is carried out, forms part of, or comprises, a building which is substantially constructed before 1900, the roof-light, roof-lantern or sun tunnel is not installed in a position facing a highway.

Erection of, or works to enclose, porch.

8. The erection of a porch, or carrying out works to enclose an existing porch, on any elevation of a flat or a building containing flats, provided that -

- (a) in the case of the erection of a porch where the flat or building containing flats, on which the erection is carried out, is within a conservation area or forms part of, or comprises, a building which is substantially constructed before 1900, the porch is located on an elevation of the building that does not face a highway,
- (b) in the case of the erection of a porch for the first time, the floor area of the porch does not exceed 6 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 each elevation of a building containing flats following the erection of a porch on a flat or a building containing flats,
- (e) the flat or the building containing flats, on which the erection or works are carried out, is not within a site of special significance.

Hard-surfaced areas.

9. The creation, extension or resurfacing of a hard-surfaced area, including timber decking, within the curtilage of a flat or a building containing flats provided that -

- (a) where the hard-surfaced area is within a conservation area -

- (i) in the case of an extension of an existing hard-surface, the material used is the same as the existing material, or
- (ii) in any other case, the material used comprises -
 - (A) loose laid natural stone gravel,
 - (B) pavements or bricks made, in either case, from concrete or clay,
 - (C) natural stone setts or natural paving slabs,
 - (D) timber boarding, or
 - (E) a ground reinforcement system,
- (b) no part of any area created or extended is more than 30 metres from any part of the flat or building containing flats within the curtilage of which the works are carried out,
- (c) no part of any area created or extended forms a new vehicle or pedestrian access onto a highway or a private pedestrian road, street, lane or close, however named,
- (d) the height of any timber decking or other hard-surface created is not more than 50 centimetres above ground

level,

- (e) in the case of the creation or re-surfacing of a hard-surfaced area but not the extension of an existing hard-surfaced area, the hard-surface must be created or re-surfaced so that -
 - (i) it is permeable, and
 - (ii) rainwater drains from the area into a soakaway or SUDS,
- (f) in the case of the creation or extension of a hard-surfaced area, the area created or extended must not be used as an additional car parking area and the works must not require the removal of a landscape feature,
- (g) neither the flat or building containing flats, within the curtilage of which the works are carried out, nor the hard-surfaced area is within a site of special significance.

Construction of external steps.

10. The construction of external steps within the curtilage of a flat or of a building containing flats provided that -

- (a) none of the steps is located more than 30 metres from any part of the flat or building containing flats within the curtilage of which the construction is carried out,

- (b) the height of any step does not exceed 50 centimetres above the existing ground level where the step is located,
- (c) the works must not require the removal of a landscape feature,
- (d) neither the flat or building containing flats, within the curtilage of which the construction is carried out, nor any part of the steps is within a site of special significance.

Gates, fences and walls.

11. The erection or replacement of a gate, fence, or wall within or along a boundary of the curtilage of a flat or a building containing flats, provided that -

- (a) the height of such a structure erected within or along a boundary of the curtilage of the flat or building containing flats 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 flat or the building containing flats 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) in the case of the replacement of a gate, fence or wall, the original construction, erection or placement of the gate, fence or wall was carried out lawfully,
- (g) neither the flat or building containing flats, within or along a boundary of the curtilage of which the works are carried out, nor the structure to be erected is within a site of special significance.

Installation of a traffic mirror.

12. The installation of a traffic mirror within the curtilage of a flat or a building containing flats, including where such building or its curtilage is, or is within the curtilage of, a protected building, provided that -

- (a) the size of the mirror, including any means of fixing, does not exceed 90 centimetres, measured in any dimension,
- (b) the mirror is installed so that it does not interfere with the flow of traffic on a highway or movement of pedestrians on a highway.

Removal of a hedge.

13. The removal of a hedge within or along a boundary of the curtilage of a flat or a building containing flats, including where such building or its curtilage is, or is within the curtilage of, a protected building, provided that -

- (a) the removal of the hedge is not carried out in the

period beginning on 1st March and ending on the 31st July in any calendar year,

- (b) where the hedge that is removed forms a boundary with a neighbouring property, a highway or a private pedestrian road, street, lane or clos, however named, it is replaced with another hedge of a species native to Guernsey within a period of eight weeks starting on the date of the removal of the original hedge,
- (c) the hedge does not form a field boundary,
- (d) neither the flat or the building containing flats, within or along the boundary of which the removal is carried out, nor the hedge is within a site of special significance.

Demolition or rebuilding of a chimney stack.

14. The demolition, demolition and rebuilding or the rebuilding of a chimney stack on a flat or a building containing flats, or on an outbuilding or other structure within the curtilage of a flat or a building containing flats, provided that -

- (a) where the flat, building containing flats or the outbuilding or other structure to which the chimney stack is attached is substantially constructed before 1900, the chimney stack must be rebuilt and be of the same design and materials as the one it replaces,
- (b) in any other case, where the chimney stack is demolished and not rebuilt, the materials in the

location of the former chimney stack must match the predominant material used in the relevant part of the roof of the flat, the building containing flats, outbuilding or other structure in question.

Installation of external insulated render system.

15. (1) The installation of an insulated render system to the external walls of a flat or a building containing flats provided that, where any part of the flat or building containing flats on which the installation is carried out, is within a conservation area or forms part of, or comprises, a building which is substantially constructed before 1900, the installation does not result in the loss of or obscuring of any distinctive features.

(2) In this paragraph "**distinctive features**" includes, without limitation, granite detailing, brick arches, decorative quoins and render bands.

Installation of electric charging point.

16. (1) The installation of an electric charging point on, or within the curtilage of, a flat or a building containing flats, or on an outbuilding or other structure within the curtilage of either of the same, including where the flat or building containing flats or its curtilage is, or is within the curtilage of, a protected building, provided that -

- (a) subject to subparagraph (2), the charging point must be installed principally for the use of vehicles used in connection with the use of the flat or the building containing flats as a dwelling or a building containing dwellings, as the case may be,
- (b) the charging point must be installed so that a vehicle

using it is located wholly within the curtilage of the flat or the building containing flats where the charging point is installed,

- (c) neither the flat or building containing flats, on, or within the curtilage of which the installation is carried out, nor the electric charging point is within a site of special significance.

(2) Subparagraph (1)(a), does not prevent the installation of a charging point to be used by a company car or trade van which is also used as a means of private transport by the residential occupier of the flat or the building containing flats, as the case may be.

Placement or erection of bike barn or storage unit.

17. The placement or erection of a bike barn or a storage unit, used for the storage of items used in connection with the use of a flat as a dwelling within the curtilage of a flat, including where such flat or its curtilage is, or is within the curtilage of, a protected building, provided that -

- (a) the bike barn or storage unit is not attached to the flat or another structure within the curtilage of the flat,
- (b) where the bike barn or storage unit is located forward of an elevation of the flat, within the curtilage of which it is placed or erected, in a position facing a highway or is otherwise located within 1 metre of a highway -
 - (i) its base area does not exceed 3 square metres,

- (ii) it does not exceed 1.2 metres in height, and
 - (iii) there is only one bike barn or storage unit in total in that location,
- (c) where the bike barn or storage unit does not fall within item (b) -
- (i) its base area does not exceed 6 square metres, and
 - (ii) it does not exceed 2 metres in height.

Construction of external ramp.

18. The construction of an external ramp, within the curtilage of a flat or a building containing flats, to provide access to the flat or the building containing flats within the curtilage of which it is located, including where such building or its curtilage is, or is within the curtilage of, a protected building provided that neither the flat or building containing flats, within the curtilage of which the construction is carried out, nor the ramp is within a site of special significance.

Installation of energy storage equipment.

19. The installation of equipment to store energy at ground floor level on any elevation of a flat or of a building containing flats, which cannot be seen from a highway, provided that -

- (a) where the equipment is installed on an elevation comprising part of a flat, there is only one such item of equipment in total installed on that elevation,
- (b) where the equipment is installed on an elevation

comprising part of a building containing flats, there is only one such item of equipment in total on that elevation,

- (c) the noise level emitted from the equipment, when measured at 1 metre from the outside face of the closest elevation of the nearest neighbouring noise sensitive building, does not exceed 5 decibels below the LA90 level of the background noise measured at that location prior to installation of the equipment.

CLASS 3

RESIDENTIAL CHANGE OF USE

Change from use as part of dwelling for business purposes to a use within use class 1 or 2.

1. Change in the use of any land, including of any land which is, or is within the curtilage of, a protected building or a 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).

Change from a use within use class 1 or 2 to a use as part of dwelling for business purposes.

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

- (a) the new use does not involve or result in -

- (i) storage of materials outdoors,
- (ii) more than two persons working at the dwelling at any one time, and
- (iii) more than -
 - (A) eight people a day, or
 - (B) two persons at any one time,
 visiting the premises for purposes related to the business purposes part of that use,
- (b) the Authority is notified of the change of use within a period of one month starting on the date of the change.

Change in use of premises in multiple occupation to a use within use class 1 or 2.

3. Change in the use of any land, including of any land which is, or is within the curtilage of, a protected building or a protected monument, from an existing use falling within use class 6 (premises in multiple occupation) to a use within use class 1 (dwelling house) or use class 2 (flat), provided that -

- (a) the change of use would not result in a dwelling-house or flat which did not meet the standards in relation to internal space within new dwellings set out in the Technical housing standards-nationally described space standard as revised, reissued or

replaced from time to time⁹,

- (b) the Authority is notified of the change of use within a period of one month starting on the date of the change.

CLASS 4

DEVELOPMENT WITHIN THE CURTILAGE OF A NON-DOMESTIC BUILDING

Replacement of a door or window in existing opening.

1. Replacement of any existing door or window of a non-domestic building, or of an outbuilding within the curtilage of a non-domestic building, provided that the door or window is not part of a shop front.

Re-roofing.

2. The re-roofing of an existing felt-clad or corrugated-sheet-clad roof of a non-domestic building, or of an outbuilding within the curtilage of a non-domestic building, in natural slate or clay tiles, glass reinforced plastic or single ply roofing, including a limited increase to the height of the roof which is reasonably necessary in relation to the re-roofing works, provided that -

- (a) where the non-domestic building or outbuilding on which the re-roofing is carried out is within a conservation area, is substantially constructed before 1900 or is attached to the non-domestic building and the non-domestic building is substantially constructed

⁹ Issued by the Department for Communities and Local Government in the UK; current edition dated March, 2015 with notes added in May, 2016. ISBN : 978-1-4098-4567-6.

before 1900, the material used is -

- (i) in the case of any re-roofing other than in relation to a dormer, natural slate or clay tiles, or
 - (ii) in the case of the re-roofing of a dormer or the cladding or re-cladding of dormer cheeks, natural slate or clay tiles or the same material as that which is being replaced,
- (b) in the case of the re-roofing of an outbuilding, the original construction, erection or placement of the outbuilding was carried out lawfully,
- (c) any increase in the height of the roof is no more than 30 centimetres measured externally.

Hard-surfaced areas.

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

- (a) where the hard-surfaced area is within a conservation area -
 - (i) in the case of an extension of an existing hard-surface, the material used is the same as the existing material, or
 - (ii) in any other case, the material used

comprises -

- (A) loose laid natural stone gravel,
 - (B) pavements or bricks made, in either case, from concrete or clay,
 - (C) natural stone setts or natural paving slabs,
 - (D) timber boarding, or
 - (E) a ground reinforcement system,
- (b) no part of any area created or extended is more than 30 metres from the non-domestic building,
- (c) no part of any area created or extended forms a new vehicle or pedestrian access onto a highway or a private pedestrian road, street, lane or close, however named,
- (d) the height of any timber decking or other hard-surface created is not more than 50 centimetres above ground level,
- (e) in the case of the creation or re-surfacing of a hard-surfaced area but not the extension of an existing hard-surfaced area, the hard-surface must be created or re-surfaced so that -

- (i) it is permeable, and
 - (ii) rainwater drains from the area into a soakaway or SUDS,
- (f) in the case of the creation or extension of a hard-surfaced area, the area created or extended must not be used as an additional car parking area and the works must not require the removal of a landscape feature,
- (g) 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, including where such building or its curtilage is, or is within the curtilage of, a protected building, provided that neither the non-domestic building nor the cesspit or soakaway is within a site of special significance.

Closed circuit television.

5. The installation of a closed circuit television camera on an elevation of a non-domestic building, or of an outbuilding within the curtilage of a non-domestic building, provided that -

- (a) the dimensions of the camera, including its housing and fixing bracket, do not exceed 90 centimetres x 25 centimetres x 55 centimetres,

- (b) the camera is installed at a minimum height of 2 metres above ground level,
- (c) the camera is not installed on an elevation of a building adjacent to a boundary with a neighbouring residential property,
- (d) there are no more than two such cameras on each elevation of the non-domestic building or outbuilding,
- (e) any signage necessary to meet information requirements relating to the installation of the camera, under the Data Protection Law, is erected at the same time.

Installation of a door or window in new or altered opening.

6. The installation of a door or window within a new or altered opening in a non-domestic building or in an outbuilding within the curtilage of a non-domestic building, provided that -

- (a) where the non-domestic building or outbuilding, on which the installation is carried out, is substantially constructed before 1900, the new door or window is not installed on any elevation of the building that faces a highway,
- (b) where the new door or window is installed in an elevation of the non-domestic building or outbuilding that -

(i) has no existing window or door or only has a window or door -

(A) the glazing of which is all obscured,
or

(B) which is positioned at a high level,
and

(ii) faces a boundary with a neighbouring residential property,

the new door or window is not within 5 metres of that boundary,

(c) where the new door or window is installed in an elevation of the non-domestic building or outbuilding that -

(i) has an existing window or door -

(A) any of the glazing of which is not obscured, and

(B) which is not positioned at a high level, and

(ii) faces a boundary with a neighbouring residential property,

the new door or window is not within 3 metres of that

boundary,

- (d) the new door or window is not installed above ground floor level.

Installation of an air source heat pump or air conditioning unit.

7. The installation of an air source heat pump or an air conditioning unit within the curtilage of a non-domestic building, including on an outbuilding within the curtilage, provided that -

- (a) there is only one in total of either such appliance within the curtilage,
- (b) there is only one fan in the air source heat pump or air conditioning unit,
- (c) the air source heat pump or air conditioning unit -
 - (i) is not within 1 metre of a boundary with a neighbouring property, and
 - (ii) does not exceed 1 metre in height, 1 metre in width and 350 mm in depth,
- (d) the noise level emitted from the air source heat pump or air conditioning unit, when calculated at 1 metre from the outside face of the closest elevation of the nearest neighbouring noise sensitive building, does not exceed 5 decibels below the LA90 level of the background noise measured at that location prior to installation of the pump or unit,

- (e) neither the non-domestic building or outbuilding, on, or in the curtilage of which, the installation is carried out, nor the air source heat pump or air conditioning unit is within a site of special significance.

Change of ground levels.

8. Development to raise or lower the level of the ground within the curtilage of a non-domestic building provided that -

- (a) neither the non-domestic building nor its curtilage is within a site of special significance,
- (b) the increase or decrease in the height of the ground does not exceed 50 centimetres,
- (c) the level of the ground is not raised within 2 metres of a boundary with a neighbouring property,
- (d) there are no protected trees or roots of protected trees within the area in which the ground level is to be changed,
- (e) the excavation does not result in the creation of a swimming pool, spa pool, other pool or pond.

Installation of electric charging point.

9. The installation of an electric charging point on, or within the curtilage of, a non-domestic building including on an outbuilding within the curtilage or where such building or its curtilage is, or is within the curtilage of, a protected building, provided that -

- (a) the charging point must be installed principally for the use of vehicles used by those visiting, or working at, the non-domestic building or outbuilding for purposes connected with the lawful use of the non-domestic building,
- (b) the charging point must be installed so that a vehicle using it is located wholly within the curtilage of the non-domestic building,
- (c) neither the non-domestic building or outbuilding, on, or in the curtilage of which, the installation is carried out, nor the electric charging point is within a site of special significance.

Removal of a hedge.

10. The removal of a hedge within or along a boundary of the curtilage of a non-domestic building including where such building or its curtilage is, or is within the curtilage of, a protected building, provided that -

- (a) the removal of the hedge is not carried out in the period beginning on 1st March and ending on the 31st July in any calendar year,
- (b) where the hedge that is removed forms a boundary with a neighbouring property, a highway or a private pedestrian road, street, lane or clos, however named, it is replaced with another hedge of a species native to Guernsey within a period of eight weeks starting on the date of the removal of the original hedge,

- (c) the hedge does not form a field boundary,
- (d) neither the non-domestic building nor the hedge is within a site of special significance.

Installation of a defibrillator.

11. The installation of a defibrillator and its housing on, or within the curtilage of, a non-domestic building, including on an outbuilding within the curtilage or where such building or its curtilage is, or is within the curtilage of, a protected building, provided that neither the non-domestic building or outbuilding, on, or in the curtilage of which, the installation is carried out, nor the defibrillator is within a site of special significance.

Solar products.

12. Installation of solar products on, or within the curtilage of, a non-domestic building, including on an outbuilding or other structure within the curtilage or where such building or its curtilage is, or is within the curtilage of, a protected building, provided that -

- (a) where the solar products are mounted on a sloping roof, they are installed parallel to the plane of the roof slope and project no more than 30 centimetres from that plane,
- (b) where the solar products are mounted on a flat roof, they are installed so that they are angled at no more than 10 degrees from the roof and project no more than 40 centimetres from the roof,
- (c) where the location at which the solar products are

installed is on, or is within the curtilage of, a protected building, the solar products are not installed on -

- (i) a roof slope facing a highway, or
- (ii) a flat roof with the products positioned facing a highway,

(d) where the location at which the solar products are installed is not a protected building, or is not within the curtilage of a protected building and solar products are installed on a roof slope facing a highway or on a flat roof with the products positioned facing a highway, the solar products installed must -

- (i) be of the same product type, and
- (ii) where existing solar products are installed on the same roof slope or area of a flat roof, be of the same product type as the predominant type of existing solar products in that location,

(e) the solar products are only mounted -

- (i) on the roof of the non-domestic building, or
- (ii) on the roof of an outbuilding or other structure within the curtilage of the non-domestic building,

(f) where the solar products are mounted on a roof

which -

- (i) is on, or is within the curtilage of, a protected building,
- (ii) forms part of a building which is substantially constructed before 1900, or
- (iii) is attached to the non-domestic building in question and that building is substantially constructed before 1900,

the area of that roof covered by solar products must not exceed 50% of the total area of that roof.

Installation of energy storage equipment.

13. The installation of equipment to store energy at ground floor level on any elevation of a non-domestic building which cannot be seen from a highway provided that -

- (a) there is only one such item of equipment in total installed within the curtilage of the non-domestic building,
- (b) the noise level emitted from the equipment, when measured at 1 metre from the outside face of the closest elevation of the nearest neighbouring noise sensitive building, does not exceed 5 decibels below the LA90 level of the background noise measured at that location prior to installation of the equipment.

Installation of roof fall protection system.

14. (1) The installation of a roof fall protection system or a skylight protection device on the roof of a non-domestic building, or on the roof of an outbuilding within the curtilage of a non-domestic building, provided that any safety lines installed are horizontal or vertical.

(2) In this paragraph -

"**roof fall protection system**" means a cable system designed to arrest or prevent a fall from a roof including any rails to which safety harnesses may be connected to the cables, and

"**skylight protection device**" means -

- (a) a rail or similar device designed to create a barrier around a skylight, roof-light or similar structure, or
- (b) a screen, cage or similar device designed to cover a skylight, roof-light or similar structure,

for the purpose of arresting or preventing a fall through, or injury from falling onto, a skylight, roof-light or similar structure.

CLASS 5

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, a flat, a building containing flats or a non-domestic building or to a structure or other feature within the curtilage of such a building, including

where such building or its curtilage 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 change of use of land on a site where building operations, engineering operations or other operations (not including mining operations) are currently taking place for purposes connected with those operations, and the erection, installation or siting temporarily on such land of buildings, gates, fences or other structures (excluding signs), works, plant or machinery, provided that -

- (a) the operations are taking place in accordance with a planning permission or comprise exempt development,
- (b) no more than two structures in total are erected,

installed or sited at ground floor level on the site in reliance on this exemption,

- (c) any such buildings, other structures, works, plant or 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 three years of their erection, installation or siting, whichever is sooner,
- (d) no advertisement is displayed on the site, except where done in accordance with an exemption falling within Class 10 to this Schedule,
- (e) following completion of the operations, the site is restored to -
 - (i) the same condition to that it was in before the operations were commenced, or
 - (ii) a condition approved in writing by the Authority,

- (f) no part of the site is within a site of special significance.

Erection of temporary mesh or net fencing to support plants.

3. The erection of a mesh or net fence for the support of plants on, or within the curtilage of, a dwelling-house, a flat, a building containing flats or non-domestic building or on an outbuilding or other structure within the curtilage of any such building, including where such building or its curtilage is, or is within the curtilage of, a protected building or a protected monument, provided that -

- (a) neither the building in question nor the fence is within a site of special significance,
- (b) the fence is removed -
 - (i) when the plants have matured sufficiently so that support is no longer required, or
 - (ii) within a period of one year starting on the date of erection of the fence,

whichever first occurs.

CLASS 6

AGRICULTURAL DEVELOPMENT

Fencing of agricultural land.

1. Erection of a post and wire or post and rail fence or an electric fence for agricultural purposes on land used for such purposes provided that -

- (a) the fence does not exceed 1.2 metres in height,

- (b) in the case of a post and rail fence or an electric fence, it is used to confine animals.

Installation of a gate on agricultural land.

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 provided that the gate does not exceed 1.2 metres in height.

Placement of moveable structure to contain animals.

3. Placement of a moveable structure on land used for agricultural purposes for the purpose of containing or housing animals for agricultural purposes provided that -

- (a) there are no more than four such structures on the site,
- (b) the structure does not exceed 1.2 metres in height,
- (c) where a structure is not used for housing or containing animals for agricultural purposes throughout an entire calendar year, it must be removed from the site within two months of the end of that calendar year.

Placement or erection of temporary polytunnel or glasshouse on land used for horticulture.

4. The placement or erection of a polytunnel or a glasshouse on land used for horticulture, for the purpose of cultivating plants, provided that -

- (a) there is only one in total of either such structure on

the site,

- (b) it is placed or erected on a non-permanent base which does not exceed 10 square metres,
- (c) its height does not exceed 2 metres,
- (d) where the polytunnel or glasshouse is not used for cultivating plants throughout an entire calendar year, it must be removed from the site within two months of the end of that calendar year,
- (e) the land on which the glasshouse or polytunnel is placed or erected is not within a site of special significance.

Erection of other small-scale structures.

5. Erection of a small-scale structure, not falling within paragraphs 1 to 4 of this Class, on land used for agricultural purposes for use for horticultural purposes, provided that -

- (a) there is only one such structure in total erected on the site,
- (b) it is erected on a non-permanent base which does not exceed 6 square metres,
- (c) its height does not exceed 2 metres,
- (d) the land is actively used for horticultural purposes and is not just capable of being used for the same,

- (e) where such a structure is not used for horticultural purposes throughout an entire calendar year, it must be removed from the site within two months of the end of that calendar year,
- (f) the structure is not within a site of special significance.

Demolition or clearance of glasshouse and associated structures.

6. The demolition or clearance of a glasshouse or former glasshouse or other structures, which were erected for purposes which are incidental or ancillary to the use of a glasshouse, on land used for agricultural purposes provided that -

- (a) any waste arising from the demolition and clearance must be removed from the site in question within two months of the completion of the demolition or clearance,
- (b) any matter not comprising waste arising from the demolition must be reused on site or removed from the site within six months of the completion of the demolition or clearance,
- (c) the level of the ground is not raised,
- (d) the glasshouse, former glasshouse or other structure is not within a site of special significance.

CLASS 7

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^r or the Electricity (Guernsey) Law, 2001^s.

Maintenance, the prevention of the obstruction of, or damage to, highways etc.

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, however named,
 - (b) to avoid -
 - (i) the obstruction of any highway or any private pedestrian road, street, clos, track or path, however named, by any tree or other vegetation, or
 - (ii) damage to any highway or any private pedestrian road, street, clos, track or path,

^r Order in Council No. XIV of 2001; this enactment has been amended.

^s Order in Council No. XIII of 2001; this enactment has been amended.

however named, or

- (c) for the creation or maintenance of a pedestrian crossing or the installation or replacement of lighting or signage on a highway or any private pedestrian road, street, clos, track or path, however named, for the purposes of the operation of such highway, road, street, clos, track or path,

provided that where any lighting or signage is replaced, any redundant lighting or signage is removed from the highway or private pedestrian road, street, clos, track or path in question within one month of the completion of the development.

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 or replacement equipment by suppliers of electricity and telecommunications services.

- 4. (1) 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
 - (b) is necessary for the maintenance or replacement of overhead lines, cables, surface wiring, block terminals and dish or multiple rod aerials or the replacement of

dishes or masts used for the purpose of supplying electricity or providing telecommunications services to the public,

provided that the provisos in subparagraph (2) are fulfilled.

- (2) The provisos referred to in subparagraph (1) are that -
 - (a) any replacement equipment is not significantly different in terms of its siting, design, size and appearance to the equipment that it replaced,
 - (b) 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,
 - (c) where any equipment is replaced, any redundant equipment is removed forthwith from the site.

Development in relation to the supply of electricity.

5. (1) 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,

- (ii) to avoid contact between any tree or other vegetation and overhead power lines, or
- (iii) to enclose existing equipment,

provided that the provisos in subparagraph (2) are fulfilled.

(2) The provisos referred to in subparagraph (1) are that -

- (a) 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,
- (b) where development is necessary to enclose existing equipment -
 - (i) the equipment to be enclosed is not within a conservation area,
 - (ii) in the case of equipment enclosed by hedging, the hedging is of a species native to Guernsey,

(iii) in the case of equipment enclosed by a structure and located within 1 metre of a highway, the height of the structure does not exceed 90 centimetres,

(iv) in the case of equipment enclosed by a structure and located 1 metre or more from a highway, the height of the structure does not exceed 2.5 metres.

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,
- (b) the maintenance or security of any such place, or
- (c) the monitoring of water flows,

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. (1) 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 display of non-illuminated signs for users of the airport,
- (d) the security of the airport,
- (e) the maintenance or resurfacing of an airport runway or to make minor alterations to the camber of such a

runway, or

- (f) ensuring the health or safety of passengers or the public,

provided that the provisos in subparagraph (2) are fulfilled.

- (2) The provisos referred to in subparagraph (1) are that -
 - (a) development, other than display of signage, 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,
 - (b) where any temporary buildings or other temporary structures are erected to ensure the health or safety of passengers or the public, such structures must be removed within one year of the date of the erection, installation or placement of the temporary building or other structure,
 - (c) where development is necessary for the display of non-illuminated signs, the signs must not be sited facing a highway.

Development within the operational area of a harbour.

9. (1) 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,

- (b) the display of non-illuminated signs for users of the harbour,
- (c) the security of the harbour, or
- (d) ensuring the health or safety of passengers or the public,

provided that the provisos in subparagraph (2) are fulfilled.

- (2) The provisos referred to in subparagraph (1) are that -
 - (a) development, other than the display of signage, is not carried out in relation to any land or structure forming any part of the perimeter of the harbour,
 - (b) where any temporary buildings or other temporary structures are erected to ensure the health or safety of passengers or the public, such structures must be removed within one year of the date of the erection, installation or placement of the temporary building or other structure,
 - (c) where development is necessary for the display of non-illuminated signs, the signs must not be sited facing a highway.

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,

provided that where fencing is erected, the height of the fence does not exceed 1.5 metres.

- (2) In this paragraph "**minor works**" means -
 - (a) minor maintenance work or replacement of fixed plant that does not involve any work to buildings, walls or fences, or
 - (b) the installation or erection of fencing to ensure the security of navigational equipment.

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 provided that, where any replacement is installed or maintenance work is carried out in La Vallette (Bathing Pools) Conservation Area and those parts of the conservation areas identified in subparagraph (2) -

- (a) any replacement installed is of the same materials, design, form and scale as the furniture it replaces,
- (b) any maintenance is carried out using the same materials as the existing furniture and so that the furniture remains of the same design, form and scale.

(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, Gategny Esplanade, the Pollet, High Street, Hauteville, Fountain Street, Trinity Square, Mill Street, Mansell Street, Contree Mansell, Smith Street, 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, "**street furniture**" includes lamp standards

and other street lighting, traffic lights and signals, traffic signs, public seating, cycle racks, cycle hoops, signposts, signs, refuse bins, bollards, rails, fences and barriers for safeguarding persons using the public highway.

Closed circuit television.

13. (1) 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 x 25 centimetres x 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,

including, where such a camera is installed, the erection of any signage necessary to meet information requirements relating to the installation of the camera under the Data Protection Law, provided that the provisos in subparagraph (2) are fulfilled.

(2) The provisos referred to in subparagraph (1) are that, where a closed circuit television camera is installed -

- (a) it is installed at a minimum height of 2 metres above ground level,
- (b) any signage, necessary to meet information

requirements relating to the installation of the camera under the Data Protection Law, is erected at the same time.

Development in relation to traffic calming or footways.

14. (1) Any development by or on behalf of the States on a public highway necessary -

- (a) for traffic calming measures, or
- (b) to improve the safe movement of pedestrians,

on a public highway including, without limitation, the erection of speed bumps, the building out of a kerb or the creation of footways or pavements provided that the provisos in subparagraph (2) are fulfilled.

(2) The provisos referred to in subparagraph (1) are that -

- (a) the site is not within a conservation area or within, or adjacent to, the curtilage of a protected building or a protected monument,
- (b) the site is not adjacent to a protected building or a protected monument.

The erection of a bus shelter.

15. Any development by or on behalf of the States necessary for the erection of a bus shelter over an existing bus stop provided that -

- (a) the erection of the bus shelter does not result in -

- (i) any obstruction of a public highway or adversely affect pedestrian flows,
 - (ii) the removal of a landscape feature,
- (b) no advertisement is displayed on the bus shelter,
- (c) where the bus shelter is erected on a footpath or pavement, the remaining footpath or pavement is at least 1 metre in width.

Cycle shelters and cycle hoops.

16. Any development by or on behalf of the States necessary for the installation of cycle shelters, cycle hoops or scooter hoops on a public highway provided that -

- (a) the installation of the cycle shelter or cycle hoop does not result in -
 - (i) any obstruction of a public highway or adversely affect pedestrian flows,
 - (ii) the removal of a landscape feature,
- (b) no advertisement is displayed on the cycle shelter or cycle hoop,
- (c) where the cycle shelter or cycle hoop is installed on a footpath or pavement, the remaining footpath or pavement is at least 1 metre in width.

Water refill points.

17. Any development by or on behalf of the States necessary for the installation of a water refill point provided that -

- (a) the installation of the water refill point does not result in -
 - (i) any obstruction of a public highway or adversely affect pedestrian flows, or
 - (ii) the removal of a landscape feature,
- (b) the water refill point does not exceed 1.7 metres in height and 0.3 metres in diameter or such other dimensions as may be agreed in writing with the Authority,
- (c) no advertisement is displayed on the water refill point,
- (d) where the water refill point is installed on a footpath or pavement, the remaining footpath or pavement is at least 1 metre in width,
- (e) where the water refill point is not used throughout a period of six months, it must be removed from the site within three months of the end of that six month period.

CLASS 8

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 a protected monument, from an existing use for any general industrial purpose within use class 25 (general industry) to use for any light industrial purpose within use class 24 (light industry).

Changes from special or waste uses 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 a protected monument, from an existing use for any purpose within use class 26 (special industry) or 27 (waste) to use for any general industrial purpose within use class 25 (general industry) or any light industrial purpose within use class 24 (light industry).

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 a protected monument, to or from an existing use for any light industrial purpose within use class 24 (light industry) to or from a use for any general storage or distribution purpose within use class 22 (general storage or distribution).

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 a protected monument, from an existing use for any general industrial purpose within use class 25 (general industry) to use for any general storage or distribution purpose within use class 22 (general storage or distribution).

Changes from general storage or distribution uses to general industrial use in Key Industrial Areas.

5. (1) Change in the use of land in a Key Industrial Area, including any land which is, or is within the curtilage of, a protected building or a protected monument, from any existing use for a storage or distribution purpose within use class 22 (general storage or distribution) to a use for any general industrial purpose within use class 25 (general industry).

(2) In this paragraph "**Key Industrial Area**" means -

- (a) the key industrial areas at Pitronnerie Road, Northside, Saltpans and Longue Hougue as identified in the Island Development Plan and shown shaded in light purple in the Proposals Map forming part of that plan, and
- (b) the key industrial expansion areas located adjacent to the Key Industrial Areas as identified in the Island Development Plan and shown hatched in mid-purple in the Proposals Map forming part of that plan.

CLASS 9

TREES

Pruning of trees.

1. The pruning of any protected tree provided that it is carried out in accordance with British Standard Specification 3998/2010-Tree Work.

Recommendations as revised or re-issued from time to time^t.

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 and that the cutting down, uprooting, lopping or topping of a tree is not carried out in the period beginning on 1st March and ending on the 31st July in any calendar year.

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 under any enactment including the Cutting of Hedges Ordinance, 1953^u and the High Hedges (Guernsey)

^t Current edition B.S. 3998:2010.

^u Recueil d'Ordonnances Tome X, p. 373; this enactment has been amended.

Law, 2016^v,

- (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,

provided that the cutting down, uprooting, topping or lopping of a tree is not carried out in the period beginning on 1st March and ending on the 31st July in any calendar year.

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

^v Order in Council No. IV of 2017.

(b) *Chamaecypris 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 10

SIGNS, ADVERTISEMENTS AND TEMPORARY ART INSTALLATIONS

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 or those works comprise exempt development,

(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 or on a boundary of premises of a nameplate identifying any individual, company or firm carrying on a trade, business or profession in or from that building or premises 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 does not exceed 60 centimetres, measured in any dimension,
- (d) in the case of the display of a nameplate on the boundary of premises, the nameplate is not freestanding or displayed on a hedge, tree or earthbank forming the boundary.

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 earlier than four weeks prior to the date of the event,
- (c) the sign is removed within a period of seven days beginning on the day the event 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 of a sign, including on or within the curtilage of a protected building or a protected monument, which -

- (a) promotes a candidate at, or the subject matter of which is otherwise in connection with, an election for any States or Parish office and which is displayed during the period immediately preceding the election, or
- (b) promotes a campaign in relation to a question to be asked at a referendum to be held in Guernsey pursuant to an enactment, or the subject matter of which is otherwise in connection with such a referendum, and which is displayed during the period immediately preceding the referendum.

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

Heritage signs and interpretation boards.

8. Display of a sign or board, including on or within the curtilage of a protected building or a protected monument, displaying information in relation to the building or site on or near to which it is located, provided that -

- (a) the sign or board is not illuminated, either internally or by external illumination,

- (b) where mounted on the ground, the size of the sign (including any pole or other object on which it is mounted) does not exceed 1.2 metres in height,
- (c) where mounted on a building or other structure, the size of the sign does not exceed 1 metre, measured in any dimension.

Signs within an existing fascia board.

9. (1) Display of a sign within an existing fascia board attached to a non-domestic building or other non-domestic structure provided that -

- (a) the sign is not illuminated, either internally or by external illumination,
- (b) where the building or other structure is within a conservation area or is substantially constructed before 1900, the sign must comprise individual letters or be painted,
- (c) the sign must not be located above first floor level.

(2) In this paragraph "**fascia board**" means a signboard on a non-domestic building or other non-domestic structure.

Signs applied to a glazed area.

10. Display of a sign applied internally to an existing glazed area, including on or within the curtilage of a protected building, provided that the area of the glazing covered by signage does not exceed 25% of the total area of glazing on the elevation in question.

Electric charging point signs.

11. The display of a sign, indicating an electric charging point, displayed on a building, wall, fence, pole or gate, including where the sign is located on or within the curtilage of a protected building, provided that -

- (a) the building or other structure, as the case may be, is not within a site of special significance,
- (b) the sign does not exceed 60 centimetres, measured in any dimension,
- (c) the sign is not illuminated, either internally or by external illumination,
- (d) where the sign is mounted on a pole, it is not mounted more than 1.2 metres above ground level,
- (e) no advertisement is displayed on the sign.

Parish signs.

12. The display or replacement of a sign by the Constables or Douzaine of a Parish, on a building, other structure or on other land in the Parish which is owned by the Constables, or by the Constables and Douzaine, for the time being, of that Parish, provided that -

- (a) the sign is to be displayed in connection with parochial activities of the Constables or the Douzaine,
- (b) the building, other structure or land, on which the sign is displayed, is not within a site of special significance,

- (c) the sign does not exceed 1 metre, measured in any dimension,
- (d) the sign is not illuminated, either internally or by external illumination,
- (e) where the sign is mounted on a pole, it is not mounted more than 1.5 metres above ground level,
- (f) no advertisement is displayed on the sign,
- (g) the display of the sign does not result in any obstruction of a highway or a private pedestrian road, street, lane or clos, however named, or adversely affect pedestrians flows,
- (h) where any sign is replaced, any redundant sign is removed from the site in question within one month of the replacement.

Temporary art installations.

13. The installation of an art work provided that -

- (a) the art work is not installed within a site of special significance,
- (b) the art work does not exceed 2 metres in height,
- (c) the art work is not illuminated, either internally or by external illumination,

- (d) the installation does not result in -
 - (i) any obstruction of a highway or a private pedestrian road, street, lane or clos, however named or adversely affect pedestrian flows, or
 - (ii) the removal of a landscape feature other than an art work which the installation is replacing,
- (e) no advertisement is displayed on the art work,
- (f) the art work is removed from the site within 20 weeks starting on the date of the installation.

CLASS 11

RETAIL AND ADMINISTRATIVE, FINANCIAL AND PROFESSIONAL CHANGE OF USE

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

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

Changes between convenience retail use and general retail use in the Main Centres.

2. Change in the use of any land in a Main Centre, including of any land which is, or is within the curtilage of, a protected building or a protected monument, to or from any existing use for any convenience retail purpose within use class 9 (convenience retail) to or from use for any general retail purpose within use class 10

(general retail).

Changes from use as a hot food take-away to use for sale of food.

3. Change in the use of any land in a Main Centre, including of any land which is, or is within the curtilage of, a protected building or a protected monument, from an existing use as a hot food take-away within use class 12 (hot food take-away) to use for sale of food for consumption on the premises within use class 11 (food).

Change of use of upper floors of buildings in the Main Centres from retail use or office use to use for certain residential uses.

4. Change of use of a floor of a building within a Main Centre including of any building which is, or is within the curtilage of, a protected building or a protected monument, from an existing use within any of use classes 9 (convenience retail), 10 (general retail), 15 (financial and professional services) or 16 (administrative office) to a use within use class 2 (flat) or 5 (use of part of dwelling for business purposes), provided that -

- (a) the floor of the building is located at first floor level or above,
- (b) the change of use would not result in a dwelling which did not meet the standards in relation to internal space within new dwellings set out in the Technical housing standards-nationally described space standard as revised, reissued or replaced from

time to time^w,

- (c) the Authority is notified of the change of use within a period of one month starting on the date of the change of use,
- (d) the total area, the use of which is changed, does not exceed 250 square metres.

CLASS 12

VISITOR ACCOMMODATION CHANGE OF USE

Temporary change of use from a visitor economy use to certain residential uses.

1. (1) Change in the use of any land, including of any land which is, or is within the curtilage of, a protected building or a protected monument, from an existing use falling within use class 7 (serviced visitor accommodation) or use class 8 (non-serviced visitor accommodation) to a use within use class 1 (dwelling house), use class 2 (flat) or use class 5 (use of part of dwelling for business purposes) provided that -

- (a) the change of use is one which occurs, or has occurred, in the period starting on 25th March, 2020 and ending on the 31st December, 2023 or such later date as the Authority may by Regulations prescribe,
- (b) the land reverts to its previous lawful use,

^w Issued by the Department for Communities and Local Government in the UK; current edition dated March, 2015 with notes added in May, 2016. ISBN : 978-1-4098-4567-6.

immediately before the 25th March, 2020, on or before the 31st January, 2024 or such later date as the Authority may by Regulations prescribe,

(c) the owner or occupier of the land notifies, or has notified, the Authority in writing of the date the change of use occurred and of the matters in subparagraph (2) -

(i) where the change of use has occurred before 1st April, 2021, by the 21st April, 2021, or

(ii) where the change of use occurs, or has occurred, after the 1st April, 2021, within 21 days of the date of the change of use.

(2) The notification referred to in subparagraph (1)(c) must include, or have included -

(a) the name and address of the land,

(b) brief particulars of the use within use class 1, use class 2 or use class 5 to which the use of the land has changed, and

(c) the expected duration of the use to which the use of the land has changed.

Changes of use from certain residential uses to a visitor economy 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 a protected monument, from an

existing use within use class 1 (dwelling house), use class 2 (flat) or use class 5 (use of part of dwelling for business purposes) to a use falling within use class 7 (use as serviced visitor accommodation) or use class 8 (use as non-serviced visitor accommodation) where the change of use is to revert to the previous lawful use immediately before 25th March, 2020 in compliance with the proviso in item (b) of paragraph 1(1).

Changes of use from use as non-serviced visitor accommodation to use as a dwelling-house.

3. (1) Change in the use of any land, including any land which is, or is within the curtilage of, a protected building or a protected monument, from an existing use as non-serviced visitor accommodation within use class 8 (non-serviced visitor accommodation) comprising a self-catering unit to an existing use as a dwelling-house within use class 1 (dwelling house) or 5 (use of part of a dwelling for business purposes), provided that -

- (a) the land formed part of a single dwelling-house,
- (b) the change of use of the land is for the purpose of allowing the land to revert back to use as part of the original, single dwelling-house,
- (c) the land comprises a maximum of two self-catering units,
- (d) the Authority is notified of the change of use within a period of one month starting on the date of the change of use.

(2) In this paragraph -

"self-catering unit" means premises -

- (a) categorised as such under a boarding permit granted in respect of those premises, or
- (b) of such a description which would be categorised as a self-catering unit under the Tourist Law, 1948 were a boarding permit to be granted in respect of those premises, and

"single dwelling-house" means a single dwelling-house, and land within the curtilage of that dwelling-house, the use of which fell within use class 1 (dwelling house) or use class 5 (use of part of a dwelling for business purposes) immediately before its use as visitor accommodation.

Change of use from a visitor accommodation use on certain sites to use for certain residential uses.

4. (1) Change in the use of any land, including of any land which is, or is within the curtilage of, a protected building or a protected monument, from an existing use falling within use class 7 (serviced visitor accommodation) or use class 8 (non-serviced visitor accommodation) to a use within use class 1 (dwelling house), use class 2 (flat), use class 3 (sheltered housing) or use class 4 (specialised housing) provided that -

- (a) there has been no valid boarding permit in effect in respect of the visitor accommodation since 31st December, 2020,
- (b) the visitor accommodation has not been advertised or promoted for use as visitor accommodation since

31st December, 2020,

- (c) the change of use takes place within two years starting on the date of the coming into force of this Ordinance or such later date as the Authority may by Regulations prescribe,
- (d) the Authority approves in writing any impacts arising from the change of use on highway safety and neighbourhood amenity before the change of use occurs,
- (e) the land comprises the whole or part of a site described in Schedule 2.

(2) An application for an approval under subparagraph (1)(d)

must -

- (a) be made on a form supplied by the Authority and must include the particulars specified in that form, and
- (b) be accompanied by one copy of -
 - (i) a plan which clearly and accurately identifies the location of the site to which the application relates,
 - (ii) a block layout plan which clearly and accurately identifies the site to which the application relates, and

- (iii) any other plans, drawings and information necessary to describe the impacts arising from the change of use on roads and traffic and highway safety and the reasonable enjoyment of neighbouring properties,

and in making an application the applicant must have regard to any guidance in relation to the making of such an application issued by the Authority from time to time.

(3) The form supplied by the Authority shall include a statement to be signed by the applicant -

- (a) that the applicant is the owner or has the consent of the owner, of any part of the land to which the application relates, to the application being made, or
- (b) if the applicant does not know who any such owner is, that the applicant has made all reasonable enquiries to identify any such owner and obtain that owner's consent.

(4) In determining an application under subparagraph (1)(d), the Authority must have regard to -

- (a) any significant adverse effects on roads and traffic and highway safety or on the reasonable enjoyment of neighbouring properties, and
- (b) any relevant Development Plan or Local Planning

Brief to the extent it relates to the matters in item (a),

and the weight to be given to the Development Plan or Local Planning Brief and the matters in item (a) shall be for the Authority having regard to the particular facts and circumstances of the case.

CLASS 13

DEMOLITION

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

1. (1) The demolition of any -
 - (a) shed, freestanding glasshouse, temporary structure, garden structure, fence or gate,
 - (b) relevant domestic structure for which planning permission was granted for the construction, erection, creation, placement or installation of the same,
 - (c) exempt structure, or
 - (d) structure required to be demolished in accordance with a compliance notice issued under the Law,

but not including the removal of an earthbank or hedge and provided that the provisos in subparagraph (2) are fulfilled.

- (2) The provisos referred to in subparagraph (1) are 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 which forms a field boundary or adjoins a highway,
 - (e) the structure to be demolished is not within a site of special significance,
 - (f) any waste arising from the demolition must be removed from the site in question within two months of the completion of the demolition,
 - (g) any matter not comprising waste arising from the demolition must be reused on site or removed from the site within six months of the completion of the demolition,
 - (h) in the case of the demolition of a relevant domestic structure, the demolition would not result in a breach of a term or condition of the planning permission under which the structure was constructed, erected, created, placed or installed.
- (3) In this paragraph -

"**exempt structure**" means a structure or other feature the erection, creation, placement or installation of which would be exempt development,

"**garden structure**" means a structure, designed and used for the support of plants, not falling within subparagraph (1)(c), which is -

- (a) located within the curtilage of a dwelling-house, flat or a building containing flats, and
- (b) used primarily for the domestic purposes of that dwelling-house, flat or building containing flats, and

"**relevant domestic structure**" means a freestanding outbuilding, not falling within subparagraph (1)(a) or (c), which is -

- (a) located within the curtilage of a dwelling-house, flat or a building containing flats, and
- (b) used primarily for the domestic purposes of that dwelling-house, flat or building containing flats.

SCHEDULE 2

Paragraph 4(1)(e) of Class 12 of Schedule 1

VISITOR ACCOMMODATION CHANGE OF USE DESCRIPTIONS OF SITES FOR THE PURPOSES OF PARAGRAPH 4(1)(e) OF CLASS 12 OF SCHEDULE 1

PART I DESCRIPTIONS OF PROPERTIES

1. All of the land comprised in Cadastre land parcel D006900000, the name and address of which is La Roche, Les Rohais de Haut, Castel, Guernsey GY5 7NA.
2. All of the land comprised in Cadastre land parcel D003220000, the name and address of which is Wisteria, King's Mills Road, Castel, Guernsey, GY5 7LS.
3. All of the land comprised in Cadastre land parcel E009370000, the name and address of which is Les Rouvets Farm, Bas Rouvets, St. Saviour, Guernsey GY7 9ND.
4. All of the land comprised in Cadastre land parcel F000860000, the name and address of which is L'Eree Hotel, Route de la Rocque Poisson, L'Eree, St. Pierre du Bois, Guernsey, GY7 9LG.
5. All of the land comprised in Cadastre land parcel F007610000, the name and address of which is Mille Fleurs, Rue du Bordage, St. Pierre du Bois, Guernsey, GY7 9DW.

6. All of the land comprised in Cadastre land parcel J013390000, the name and address of which is the Bon Port Hotel, La Rue Gros Jean, La Rue des Clotures, St. Martin, Guernsey, GY4 6EW.

7. All of the land comprised in Cadastre land parcel J002270000, the name and address of which is the Forest Park Hotel (formerly known as St. Margaret's Lodge Hotel), Route de la Forêt, St. Martin, Guernsey GY4 6UE.

8. All of the land comprised in Cadastre land parcel J016230000, the name and address of which is the Idle Rocks Hotel, Route de Jerbourg, St. Martin, Guernsey GY4 6BJ.

9. All of the land comprised in Cadastre land parcel J010600000, the name and address of which is Coconut Grove (formerly known as Sunnydene Country House Hotel), Rue des Marettes, St. Martin, Guernsey GY4 6JH.

10. All of the land comprised in Cadastre land parcel K005570000, the name and address of which is La Brigade Farm, La Brigade, St. Andrew, Guernsey GY6 8RQ.

PART II

INTERPRETATION OF SCHEDULE

11. (1) In this Schedule, "**Cadastre**" means the Cadastre prepared and for the time being in force under the Cadastre Law, 1947^x (called "**the 1947 Cadastre**" in that Law).

(2) In this Schedule a reference to -

^x Ordres en Conseil Vol. XIII, p. 78; this enactment has been amended.

- (a) land comprised in a Cadastre land parcel number is to the land comprised in the specified land parcel number, and
- (b) the name and address of land is to the name and address of that land,

at the date of commencement of this Ordinance.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

DEVELOPMENT & PLANNING AUTHORITY

REVIEW OF THE LAND PLANNING AND DEVELOPMENT (EXEMPTIONS) ORDINANCE,
2007

The President
Policy & Resources Committee
Sir Charles Frossard House
La Charroterie
St Peter Port

3rd January, 2023

Dear Sir,

Preferred date for consideration by the States of Deliberation

In accordance with Rule 4(3) of the Rules of Procedure of the States of Deliberation and their Committees, the Development & Planning Authority (“the Authority”) requests that the Policy Letter titled ‘Review of the Land Planning and Development (Exemptions) Ordinance, 2007’ be considered at the States’ meeting to be held on 15th February 2023.

Amending the Land Planning and Development Ordinances to provide for further planning permission exemptions has been a priority action of the Government Work Plan (“GWP”) since 2021 and, in 2022, it was given Category 2 status. The Authority believes it is important that the States agree the amendments to be made to the above Ordinance and that a new Ordinance be brought in to repeal and replace it at the next available meeting so as to provide clarity to a number of existing exemptions and introduce new ones thereby enabling opportunities for regeneration.

Yours faithfully,

Deputy V S Oliver
President

Deputy A W Taylor
Vice-President

Deputy C Blin
Deputy J F Dyke
Deputy A Kazantseva-Miller