

Fees - Frequently Asked Questions

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Applications amended during their Consideration

Question:	Is the initial fee changed if the application is amended so that the development falls within a higher fees category?
Answer:	An additional sum could be required depending on circumstances.

Applications needed only because there is a condition taking away “exempt development”

Question:	What is the fee for an application which is needed only because a condition of a previous planning permission removes the right to carry out “exempt development”?
Answer:	There is no fee for applications of this type.

Applications to remove or vary a planning condition

Question:	What is the fee for an application seeking to remove or vary a condition or conditions of a planning permission?
Answer:	There is no fee for applications of this type.

Associated Works

Question:	What circumstances must apply if any element of proposed development is to be regarded as associated works.
Answer:	<p>“Associated works” are defined as any works which can reasonably be regarded as necessary in order to carry out the description of development in question¹. (my emphasis)</p> <p>As such, the development must be necessary to carry out the main development, for example creating a new window to replace one lost as a result of an extension.</p>

¹ Note – Associated works do not apply to all Fee Categories. “Associated works” is defined in paragraph 6, Part II of Schedule 1 to the Land Planning and Development (Fees and Commencement) Ordinance, 2008.

Canopies

Question:	Is a fixed canopy/overhang to a building included for the purpose of calculating floor area?
Answer:	Yes – in similar way to a car port or fixed canopy above a restaurant terrace.

Chimneys

Question:	What fee is payable for re-building a chimney on a dwellinghouse?
Answer:	The works would normally comprise other works within the curtilage of a dwellinghouse under Category 3B. If not for a dwellinghouse, it would fall under Category 4B(xiii) - £200

Conversion of a loft or roof space or extension to create roofspace

Question:	What is the fee for an application to convert an existing loft or roof space?
Answer:	The definition of “extension to a building” ² no longer includes the formation of an extension by the conversion of an existing loft or roof space. The fee for the alterations such as dormers or roof lights would be calculated under Category 3B.
Comment:	<p>The creation of a pitched roof, or the formation of an extension to the roof, forming new or additional floor space is included as an extension to the dwelling.</p> <p>The correct approach to calculating the relevant fee is to take the full floor area of the floor measured internally (ignoring any 1.5m or similar line), then halve the resulting figure and find the relevant band for that figure in category 3A or 4A. Hence it is the floor area that is halved, not the fee.</p> <p>So, by way of an example, where the footprint of an extension is 6m by 4m and it is over one full floor and also has a roof which contains proposed habitable accommodation, the calculation would be 24 sq m + 12 sq m = 36 sq m and the fee is category 3Aii, £220.</p>

² Schedule I, Part II 5(a) of the Land Planning & Development (Fees) (Amendment) Regulations 2012

Disabled Person Exemption

Question:	Is there a definition of disabled person in relation to the exemption from fees ³ ?
Answer:	Yes – the definition is “a person with a physical or mental impairment which has a significant adverse effect on their ability to carry out normal day-to-day activities” ⁴ .

Supporting information may be requested but, if so, will be treated in confidence.

³ Regulation 7(1) of the Land Planning & Development (Fees and Commencement) Ordinance 2008

⁴ Regulation 13 of the Land Planning & Development (Fees and Commencement) Ordinance 2008

Dwelling house

Question:	Does all domestic development fall within Category 3?
Answer:	<p>No. A "dwelling-house" does not include-</p> <ul style="list-style-type: none">(a) a flat or a maisonette or a building containing one or more flats or maisonettes, or(b) any building which was originally constructed, adapted for use or is used, as self-contained self-catering holiday accommodation.⁵ <p>As Category 3 is limited to development in relation to or within the curtilage of a dwelling-house, it does not relate to flats, maisonettes, lodging houses, self-catering holiday accommodation or similar forms of residential use. Works to alter or extend these properties fall within Category 4. In addition, Category 4 will apply in cases where a business is run from home.</p>

⁵ Paragraph 2 of the Land Planning and Development (Exemptions) Ordinance, 2007

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Electricity Sub-stations and distribution pillars

Question:	What Category do sub-stations and distribution pillars fall within?
Answer:	If the proposal involves the erection of a building or extension to a building, the fee will be calculated under Category 4A, Otherwise, the appropriate fee category is 7B.
Comment	There are various exemptions available for development in relation to the supply of electricity ⁶ .

⁶ Paragraph 5 of Class 5 to the Schedule of the Land Planning and Development (Exemptions) Ordinance, 2007

Extensions to dwelling, where dwelling not yet completed

Question:	What is the Fee Category for an extension to a new dwelling which has not yet been completed and occupied?
Answer:	<p>If the application is made within 12 months of the date of the permission for the dwelling, the extension could be regarded as a variation to that permission. The fee will be based on floor space under Category 3.</p> <p>If the decision was more than 12 months ago, or if the proposal would significantly change the character/appearance of the approved dwelling, a revised application for a new dwelling will be needed with the Fee Category as 2.</p>
Question:	What is the Fee Category for an extension to a building where permission has been granted for conversion or sub-division to a new dwelling, but where the new dwelling has not yet been completed and occupied?
Answer:	<p>As the development is in relation to the dwelling, the fee would be calculated on floor space under Category 3.</p> <p>However, this assumes that there is no change to the nature of the scheme, so that the planning policy basis for the original decision remains valid.</p>

Free standing buildings additional to the construction of a new or replacement dwelling

Question:	What is the correct fee for a dwelling when other elements such as free standing garages, sheds, etc and new access points are included?
Answer:	<p>A detached garage would attract an additional fee based on floor space under Category 3. An integral garage would be included as part of the fee for the dwelling under Category 2.</p> <p>Using the same principle, other developments such as a new access require an additional fee under Category 3B, unless they can be considered to be “associated works”. Associated works are defined as any works which can reasonably be regarded as necessary in order to carry out the description of development in question⁷. (my emphasis)</p> <p>The same principle would apply whether the proposal related to a wholly new dwelling, a replacement dwelling or a new dwelling created through conversion or sub-division.</p>

⁷ “Associated works” is defined in paragraph 6, Part II of Schedule 1 to the Land Planning and Development (Fees and Commencement) Ordinance, 2008.

Outbuildings – use as ancillary accommodation to dwelling

Question:	What is the correct fee for an application to convert an outbuilding, or attached or detached garage within the curtilage of a dwelling to ancillary habitable accommodation including ancillary office
Answer:	<p>The definition of extension to a building no longer includes the conversion of an existing basement or cellar area, integral garage, non-integral garage or outbuilding to form any habitable, office or other accommodation for purposes ancillary to the principal use of the existing building.⁸ As such the fee will be based on the proposed alterations under Category 3B.</p> <p>The creation or extension of a balcony, basement or cellar area counts as an extension and the fee is calculated under Category 3A.</p>
Comment:	The use of outbuildings, garages, etc within the curtilage of a dwelling as ancillary accommodation to that dwelling does not involve a change of use and is not “development”. Minor operational works may also not amount to “development” or may be exempt.

⁸ Schedule I, Part II 5(a) of the Land Planning & Development (Fees) (Amendment) Regulations 2012

Protected buildings

Question:	Is a fee required when works are being carried out in relation to a protected building?
Answer:	A fee exemption applies where the works proposed require planning permission <u>only</u> because of the status of the building as a protected building, for example internal works. Otherwise, the normal fees apply. ⁹

⁹ Paragraph 3, Part II of Schedule 1 to the Land Planning and Development (Fees and Commencement) Ordinance, 2008.

Solar Panels

Question:	What is the correct fee for an application to install solar panels?
Answer:	Category 5A(a) deals with the installation of solar panels. There may be no additional fee if there is other development within the curtilage of a dwelling under Category 3B or non-domestic development under Category 4.

States Development

Question:	Is a fee required for applications made by or on behalf of the States?
Answer:	No – No fee is required where an application is made by or on behalf of the States and solely or substantially in the public interest, or by or on behalf of another person who is acting in partnership with the States. ¹⁰
Comment:	

Question:	Is a fee required for applications made by or on behalf of Guernsey Electricity or Guernsey Post?
Answer:	Yes – Guernsey Electricity is not a part of the States as it is a limited liability company, albeit 100% owned by the States. Guernsey Post is also a limited liability company. Likewise, Guernsey Gas (a private non-States owned company) and telecommunications operators are not exempt.
Comment:	Guernsey Water is part of the States and will be exempt as long as any work is in the public interest.

¹⁰ Regulation 7(2) of The Land Planning and Development (Fees and Commencement) Ordinance, 2008

Sub-Division

Question:	Where new dwellings are created through sub-division, does any existing dwelling count when calculating the fee?
Answer:	No – It is only the additional unit(s) which attracts the fee.
Comment	<p>The fee for sub-division of a dwelling to form two dwellings is 1 x £620. Sub-division of a house to 4 flats would attract a fee of 3 x £360. If there is other work which falls in a different Category, an additional fee for this will be needed.</p> <p>Note that this applies to sub-division only. In the case of re-development, the fact that there is an existing dwelling(s) is not relevant to the fee calculation.</p>

Trees

Question:	Is a fee needed for applications relating to trees?
Answer:	<p>The fee payable in respect of applications required because of the protected status of a tree which is subject to a TPO is £55 under Category 11A.</p> <p>There is no fee payable where a tree or trees are protected by planning condition (rather than Tree Protection Order).</p>