

## **The Island Development (Exemptions) Ordinance, 1997**

**THE STATES**, in pursuance of their Resolution of 28th November, 1996<sup>a</sup>, and in exercise of the powers conferred on them by sections 1 and 2 of the Island Development (Amendment) (Guernsey) Law, 1972<sup>b</sup>, hereby order:-

### **Exempt development and other work**

1. (1) The permission of the Committee under Part III of the Law is not required for the carrying out of any development or other work specified in the Schedule to this Ordinance in the circumstances, and subject to the provisos if any, specified in relation to that development or other work in that Schedule.

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

### **Interpretation and construction**

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

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

**"Built-up Area"** means an area so designated in an Urban Area Plan or a Rural Area Plan;

**"the Committee"** means the Island Development Committee;

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<sup>a</sup> on Article 11 of Billet d'État, No. XXV of 1996.

<sup>b</sup> Ordres en Conseil Vol. XXIII, p.231.

**"Conservation Area"** means an area designated as "Urban Conservation Area" in an Urban Area Plan, or as "Conservation Area" in a Rural Area Plan;

**"conservatory"** means a structure of which the roof and elevations are made predominantly of glass or other transparent or translucent material, and which is attached to, and used solely for the non-commercial purposes of, a dwelling-house;

**"curtilage"** means land around or adjacent to a building (whether a dwelling-house or a non-domestic building) which (whether or not enclosed or marked off) is occupied together with, and used for, the purposes or comfortable enjoyment of that building;

**"dwelling-house"** means a building used wholly or principally for human habitation on a permanent basis;

**"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;

**"Green Area"** means an area so designated in an Urban Area Plan;

**"Green Zone 1"** means an area designated as "Area of Special Environmental Importance (Green Zone 1)" in a Rural Area Plan;

**"Green Zone 2"** means an area designated as "Area of Landscape Value (Green Zone 2)" in a Rural Area Plan;

"**the Law**" means the Island Development (Guernsey) Law, 1966<sup>c</sup> as amended<sup>d</sup>;

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

"**public highway**" includes any vehicular or pedestrian road, street, lane, track or path used by the public;

"**public place**" means a public highway and any other place to which the public have access whether on payment or otherwise;

"**Rural Area Plan**" means the Detailed Development Plans approved by the States on 27th October 1994 and 31st July 1997 under the titles Rural Area Plan (Phase 1)<sup>e</sup> and Rural Area Plan (Phase 2)<sup>f</sup>;

"**Urban Area Plan**" means the Detailed Development Plan approved by the States on 22nd February 1995 under the title Urban Area Plan<sup>g</sup>.

(2) For the purposes of construction of the Schedule to this Ordinance -

(a) a reference to an "**existing**" feature or use includes only a feature in place or use current before commencement of the

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<sup>c</sup> Ordres en Conseil Vol. XX, p.276.

<sup>d</sup> Ordres en Conseil Vol. XXII, p.573; Vol. XXIII, p.231; Vol. XXVII, p.355; Vol. XXXI, p.61; No. I of 1990.

<sup>e</sup> Billet d'État no. XVIII of 1994.

<sup>f</sup> Billet d'État no. XV of 1997.

<sup>g</sup> Billet d'État no. III of 1995.

new development, work or use concerned, and not created or carried on in breach of the Law;

- (b) a proviso that there "**is only one**" of a specified structure or other feature refers to the circumstances on completion of the new development or work concerned;
- (c) a proviso that something is "**not within**" a specified Area, Zone or distance means that no part of it is within that Area, Zone or distance;
- (d) in a proviso limiting the base area of any structure all necessary measurements are to be taken externally;
- (e) a maximum height or projection means that no part of the structure or feature concerned is to exceed that maximum in height or projection;
- (f) references to location to the "**rear**" or "**front**" of a building are to areas clearly discernible as such, and it is not to be assumed that every building necessarily has a clearly discernible rear and/or front;
- (g) a reference to a numbered use class is to the class of use described and so numbered in Schedule 1 to the Island Development (Use Classes) Ordinance, 1991<sup>h</sup>.

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<sup>h</sup> Recueil d'Ordonnances Tome XXV, p.241.

(3) A reference in this Ordinance to any enactment or Detailed Development Plan is to that enactment or Plan as from time to time amended, extended, or repealed and replaced.

### **Repeal and saving**

3. (1) The Island Development (Exemptions) (Guernsey) Ordinance, 1982<sup>i</sup> is repealed.

(2) The lawfulness of any development or other work carried out before the commencement of this Ordinance without the permission of the Committee but in accordance with the Island Development (Exemptions) (Guernsey) Ordinance, 1982 is not affected by the repeal of that Ordinance; and any such development or other work commenced but not completed may be continued provided that it is completed within 12 months of that repeal.

### **Citation**

4. This Ordinance may be cited as the Island Development (Exemptions) Ordinance, 1997.

### **Commencement**

5. This Ordinance shall come into force on 1st January 1998.

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<sup>i</sup> Recueil d'Ordonnances Tome XXII, p.381.

## **SCHEDULE**

### **EXEMPT DEVELOPMENT AND OTHER WORK**

#### **CLASS 1 : DEVELOPMENT AND WORKS WITHIN THE CURTILAGE OF A DWELLING-HOUSE**

#### **CLASS 1, SECTION 1 : ALTERATIONS TO A DWELLING-HOUSE**

##### **Replacement doors and windows**

**1.** Replacement of any existing door or window of a dwelling-house provided that:

- (a) the dwelling-house is not within a Conservation Area;
- (b) there is no change in the size or shape of the existing door or window opening;
- (c) the new door or window is of the same design and means of opening as the one it replaces.

##### **Satellite dish antennas**

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

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

- (c) the antenna is not fixed to a roof, or to any elevation which faces a public highway;
- (d) in the case of a free-standing antenna, it is not visible from any public highway.

### **Re-roofing**

3. Recladding an existing felt-clad or corrugated-sheet-clad roof of a dwelling-house, or of an outbuilding within the curtilage of a dwelling-house, in slate or tiles, provided that the dwelling-house or outbuilding concerned is not within a Conservation Area.

## CLASS 1, SECTION 2 : EXTENSIONS TO A DWELLING-HOUSE

### **Porches**

1. Erection of one porch on any elevation of a dwelling-house provided that:

- (a) the dwelling-house is not within a Conservation Area;
- (b) no part of the dwelling-house was constructed before 1900;
- (c) the dwelling-house is detached from any others, or is one of a pair attached only to each other;
- (d) there is only one porch attached to the dwelling-house;
- (e) no part of the porch is within 2 metres of a public highway;

- (f) the base area of the porch does not exceed 3 square metres;
- (g) the height of the porch does not exceed 3 metres.

### **Conservatories**

2. Erection of one conservatory on any elevation of a dwelling-house provided that:

- (a) the dwelling-house is not within a Conservation Area;
- (b) no part of the dwelling-house was constructed before 1900;
- (c) the conservatory is not visible from any public place;
- (d) there is only one conservatory attached to the dwelling-house;
- (e) no part of the conservatory is within 3 metres of any boundary of the curtilage of the dwelling-house;
- (f) the conservatory projects no more than 3 metres from any elevation to which it is attached;
- (g) the floor area of the conservatory does not exceed 15 square metres;
- (h) the height of the conservatory does not exceed 3 metres if its roof is flat or 4 metres if its roof is pitched.

## CLASS 1, SECTION 3 : DOMESTIC OUTBUILDINGS

### **Sheds**

1. Erection of one garden shed within the curtilage of a dwelling-house provided that:

- (a) there is only one shed within the curtilage;
- (b) the shed is to the rear of the dwelling-house;
- (c) no part of the shed is more than 10 metres from the dwelling-house;
- (d) the base area of the shed does not exceed 6 square metres;
- (e) the height of the shed does not exceed 3 metres;
- (f) the walls of the shed are of timber, natural stone and/or rendered blockwork.

### **Detached domestic glasshouses**

2. Erection of one glasshouse for domestic use within the curtilage of a dwelling-house provided that:

- (a) there is only one glasshouse within the curtilage;
- (b) the glasshouse is to the rear of the dwelling-house;
- (c) no part of the glasshouse is more than 10 metres from the dwelling-house;

- (d) the base area of the glasshouse does not exceed 12 square metres.

#### CLASS 1, SECTION 4 : WORKS WITHIN DOMESTIC CURTILAGES

##### **Patios etc.**

1. Hardsurfacing to create a patio or similar area within the curtilage of a dwelling-house provided that :

- (a) the area does not form or include any vehicle driveway, means of vehicular access, or vehicle hardstanding area;
- (b) the area is not visible from any public place;
- (c) the total area of all such hardsurfacing within the curtilage does not exceed 40 square metres.

##### **Paths, vehicle driveways and vehicle hardstanding**

2. (1) Surfacing or resurfacing an existing pathway, vehicle driveway or vehicle hardstanding area within the curtilage of a dwelling-house (and not involving the creation, widening or extension of any such area), in loose-laid natural stone gravel.

(2) Surfacing or resurfacing an existing pathway, vehicle driveway or vehicle hardstanding area within the curtilage of a dwelling-house (and not involving the creation, widening or extension of any such area) in:

- (a) pavements or bricks made from concrete or clay , or

- (b) natural stone setts or paving slabs, or
- (c) black bitumous tarmacadam ("bitmac"), with or without a rolled-in aggregate surface,

provided that (in each of cases (a), (b) and (c) above) the area to be surfaced is not within

- (i) a Conservation Area, or
- (ii) an Urban Area Plan Green Area, or
- (iii) a Rural Area Plan Green Zone 1 or Green Zone 2.

### **Traffic mirrors**

3. Installation of one traffic mirror within the curtilage of a dwelling-house provided that:

- (a) the dwelling-house is not within a Conservation Area;
- (b) there is only one traffic mirror within the curtilage;
- (c) the traffic mirror is installed with, and conforms to all requirements as to siting, angle, dimensions and design of, the prior written consent of the States Traffic Committee.

### **Fences and walls**

4. (1) Erection of a garden wall or fence within, or at a boundary of, the rear curtilage of a dwelling-house provided that the wall or fence:

- (a) is not within a Conservation Area;
- (b) is not visible from any public place;
- (c) does not exceed 1.8 metres in height above any land within 2 metres on either side;
- (d) is of natural stone, rendered blockwork and/or dark-stained timber.

(2) Erection of a garden wall or fence along a boundary between the front curtilages of two dwelling-houses within a Built-up Area provided that the wall or fence:

- (a) does not exceed 1 metre in height above any land within 2 metres on either side;
- (b) is of natural stone, rendered blockwork and/or dark-stained timber.

### **Domestic gates**

5. (1) Installation of a timber or metal gate across an existing pedestrian opening at any boundary of a dwelling-house (and not involving the creation or widening of any opening).

(2) Installation of a timber or metal gate across an existing vehicular opening at any boundary of a dwelling-house (and not involving the creation or widening of any opening) provided that the gate is not within a Conservation Area.

### **Small garden structures**

6. Installation of a fruit cage, or of a trellis, arch or similar structure, within the curtilage of a dwelling-house provided that the structure:

- (a) is not sited on any boundary of the curtilage;
- (b) is not sited between the dwelling-house and any public highway;
- (c) does not exceed 2 metres in height;
- (d) is used solely for domestic horticultural purposes or decorative purposes.

### **Domestic fuel containers**

7. Installation within the curtilage of a dwelling-house of one container (including any associated catchpit) for any type of fuel used exclusively for the domestic purposes of that dwelling-house, provided that:

- (a) the container is sited to the rear of the dwelling-house (unless 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.

### **Domestic cesspits etc.**

8. Installation of a cesspit or soakaway, wholly below ground, within the curtilage of the dwelling-house which it serves.

## CLASS 1, SECTION 5 : USES WITHIN DOMESTIC CURTILAGES

### Sale of garden produce

1. Use of land within the curtilage of a dwelling-house for the retail sale of produce grown otherwise than on a commercial basis within the curtilage of that dwelling house.

## CLASS 2 : DEVELOPMENT AND WORKS ON NON-DOMESTIC PROPERTY

### Replacement doors and windows

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

- (a) the building is not within a Conservation Area;
- (b) the door or window is not part of a shop front;
- (c) there is no change in the size or shape of the existing door or window opening;
- (d) the new door or window is of the same design and means of opening as the one it replaces.

### Re-roofing

2. Recladding an existing felt-clad or corrugated-sheet-clad roof of a non-domestic building in slate or tiles provided that the building concerned is not within a Conservation Area.

**Paths, vehicle driveways and vehicle hardstanding**

3. (1) Surfacing or resurfacing an existing pathway, vehicle driveway or vehicle hardstanding area within the curtilage of a non-domestic building (and not involving the creation, widening or extension of any such area) in loose-laid, natural stone gravel.

(2) Surfacing or resurfacing an existing pathway, vehicle driveway or vehicle hardstanding area within the curtilage of a non-domestic building (and not involving the creation, widening or extension of any such area) in:

- (a) pavements or bricks made from concrete or clay, or
- (b) natural stone setts or paving slabs, or
- (c) black bitumen tarmac ("bitmac"), with or without a rolled-in aggregate surface,

provided that (in each of cases (a), (b) and (c) above) the area to be surfaced is not within

- (i) a Conservation Area, or
- (ii) an Urban Area Plan Green Zone, or
- (iii) a Rural Area Plan Green Zone 1 or Green Zone 2.

**Non-domestic cesspits etc.**

4. Installation of a cesspit or soakaway, wholly below ground, within the curtilage of the non-domestic building which it serves.

**CLASS 3 : TEMPORARY STRUCTURES AND USES**

**Temporary development required during approved operations**

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

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

## CLASS 4 : AGRICULTURAL DEVELOPMENT

### **Fencing of agricultural land**

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

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

### **Farm gates**

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

## CLASS 5 : INDUSTRIAL CHANGE OF USE

### **Changes from general to light industrial use**

1. Change in the use of any land or building from an existing use for any general industrial purpose within use class 49 to use for any light industrial purpose within use class 48.

### **Changes from special to general or light industrial use**

2. Change in the use of any land or building from an existing use for any purpose within use classes 50 and 59 inclusive to use for any general industrial purpose within use class 49 or any light industrial purpose within use class 48.

## CLASS 6 : TREES

### **Dead and diseased trees**

1. Felling any tree which is dead or diseased, with the prior consent in writing of the States Committee for Horticulture.

### **Other trees within curtilages**

2. Felling or lopping any tree provided that:

- (a) the base of the tree is within, or on the boundary of, the curtilage of a building;
- (b) the tree does not exceed 5 metres in height;
- (c) the tree does not form part of a hedge which is visible from any public place.

## CLASS 7 : SIGNS AND ADVERTISEMENTS

### **Contractors' signs**

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

- (a) any permission required under the Law for those works has been granted by the Committee;
- (b) there is only one such signboard on the building or site;
- (c) the signboard is not internally illuminated;

- (d) the signboard is removed upon completion of the works.

### **Nameplates**

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

- (a) the trade, profession or business concerned is not being carried on in contravention of the Law;
- (b) the nameplate is not internally illuminated;
- (c) the size of the nameplate, measured in any dimension, does not exceed 30 centimetres.

### **Signs for charity and public events**

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

- (a) the sign is not illuminated, either internally or by external illumination;
- (b) the sign is not displayed for more than 2 weeks prior to the date of the event;
- (c) the sign is removed immediately after the event has ended;

- (d) in the case of any banner displayed across a street in St. Peter Port or St. Sampson, the sign does not include any commercial advertising material.

### **Election signs**

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

### **Signs advertising garden produce**

5. Display within the curtilage of a dwelling-house 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 30 centimetres by 45 centimetres.

### **Repainting/replacement of existing signs**

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

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

## CLASS 8 : RETAIL CHANGE OF USE

### **Changes from special to general retail use**

1. Change in the use of any building from an existing use within use class 18 (launderette), 20 (take-away hot food shop) or 21 (pet shop) to a use within use class 16 (general retail).