

The Island Development (Use Classes) Ordinance, 1991

THE STATES, in pursuance of their Resolution of the 27th day of February, 1991^a, and in exercise of the powers conferred on them by section 1 of the Island Development (Amendment) (Guernsey) Law, 1988^b hereby order:-

Use classes

1. The class of use described in each item of Schedule 1 to this Ordinance is hereby prescribed as a use class for the purposes of -

- (a) paragraph (ii) of the proviso to the definition of the expression “development” in section 40 of the Island Development (Guernsey) Law, 1966^c;
- (b) section 2 of the Island Development (Amendment) (Guernsey) Law, 1988; and
- (c) any Detailed Development Plan approved by the States under the Island Development (Guernsey) Law, 1966.

Ancillary and incidental uses

2. For the purposes mentioned in section 1 of this Ordinance, where the principal use of any premises falls within a use class any other use of those premises

^a Article 6 of Billet d'État No. V of 1991.

^b Order in Council No. VIII of 1988.

^c Ordres en Conseil Vol. XX, p. 276; Vol. XXII, p. 573; Vol. XXIII, p. 231; Vol. XXVII, p. 355; No. Viii of 1988: paragraph (ii) of that proviso was substituted by the Island Development (Amendment) (Guernsey) Law, 1988 (No. VIII of 1988)

(or of adjacent premises used as part of the same undertaking) for a purpose which is ancillary or ordinarily incidental to that principal use is to be regarded as also falling within that use class, notwithstanding that such other use might (if carried on independently of the principal use) have fallen within a different use class.

Minor uses

3. For the purposes mentioned in section 1 of this Ordinance, where the principal use of any premises falls within a use class, any other insignificant, temporary or occasional use of those premises is to be regarded as also falling within that use class unless that other use materially affects any of the matters mentioned in section 17(b), (e) or (f) of the Law, notwithstanding that it might (if carried on at a significant, permanent or frequent level) have fallen within a different use class.

Uses falling outside use classes

4. (1) It is hereby reaffirmed in the interests of clarity that, if a change is made between two uses, and one or both of those uses does not fall within a use class, that change of use constitutes development within the meaning of the Law if (but only if) it is a material change.

- (2) No use class prescribed by this Ordinance includes use -
- (a) for the accommodation on a commercial basis (whether as a business in itself or as part of or ancillary to some other business) of people in tents;
 - (b) for the sale, or the display for sale or hire, of motor vehicles;
 - (c) for the sale of fuel for motor vehicles or boats;

- (d) as a betting office;
- (e) as a commercial exhibition hall;
- (f) as a casino, permanent bingo hall, amusement arcade or pinball saloon;
- (g) as a fun-fair or shooting gallery;
- (h) for the production, storage or processing of any article or substance (including, without prejudice to the generality of the foregoing, any flammable or explosive liquid or gas) which may in any circumstances be hazardous, or present a risk to public health or safety;
- (i) involving the treatment, baling, storage or disposal of refuse.

Variation of Plans

5. The written statements of the Detailed Development Plans specified in Schedule 2 to this Ordinance are varied in accordance with that Schedule.

Interpretation and construction

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

“animals” includes birds, fish, insects and reptiles;

“boarding permit” means a permit granted by the States Tourist

Board under and for the purposes of the Tourist Law, 1948^d;

“**care**” means personal care for people in need of such care by reason of age, disablement, past or present dependence on alcohol or drugs, or past or present mental disorder;

“**day centre**” means premises which are visited during the day for social or recreational purposes or for the purposes of rehabilitation or occupational training, at which care is also provided;

“**dwelling**” means a building or part of a building designed for human habitation, and includes any land and out-buildings within the curtilage of a dwelling;

“**flat**” means a self contained dwelling comprising part of a building and lying wholly or partly above or below some other part of that building;

“**food**” includes drinks;

“**general industrial purpose**” means an industrial purpose which is neither -

- (a) a light industrial purpose; nor
- (b) an industrial purpose within use classes 50 to 59 inclusive;

^d Ordres en Conseil Vol. XIII, p. 329; Vol. XXI, p. 104; No. XIV of 1983

“goods transfer depôt” means any premises where goods are unloaded from large containers or vehicles and loaded for onward consignment into smaller containers or vehicles (whether or not the goods are stored between those operations) or vice versa;;

“household” means -

- (a) a person living alone; or
- (b) any number of people living together as a family; or
- (c) up to six people living together as a single household;

“industrial purpose” means the carrying on of any process for, or incidental to, any of the following purposes, namely -

- (a) the making of any article or of part of any article (including a ship or vessel, or a film, video or sound recording), or
- (b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or destruction of any article, or
- (c) the dressing of stone, being a process carried on in the course of a trade or business other than agriculture;

“the Law” means the Island Development (Guernsey) Law, 1966;

“light industrial purpose” means any industrial purpose which is not within use classes 50 to 59 inclusive and where the processes carried on and the machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit;

“lodging house” means a dwelling in which one or more rooms are occupied by people other than the owner or principal tenant, under contract of tenancy or lodgement or other similar arrangements, but does not include any premises in respect of which a boarding permit is for the time being in force;

“nursing home” means premises for the accommodation and nursing of people suffering from sickness, injury or infirmity, pregnant women or women immediately after childbirth;

“premises” includes buildings and open land;

“the public” includes any section of the public, however selected;

“public administration” means the legislative, judicial, executive and administrative work of the States and every committee of the States, the courts, the Douzaines and the Guernsey financial Services Commission;

“retail trade or business” means the trade or business of -

- (a) selling goods other than hot food,

- (b) a post office,
- (c) selling tickets, or a travel agency,
- (d) selling cold food for consumption off the premises,
- (e) hairdressing,
- (f) displaying goods for sale,
- (g) hiring out domestic or personal goods or articles,
- (h) receiving goods to be washed, cleaned or repaired, to, from, or for, visiting members of the public;

“use class” means a class of use described in any item of Schedule 1 to this Ordinance;

“wholesaling” means selling goods from store, generally in bulk, to people in industrial or retail trade or business, but not to the general public.

(2) A reference in this Ordinance to a use class followed by a number is a reference to the use described in relation to the item so numbered in Schedule 1 to this Ordinance.

(3) A reference in this Ordinance to an enactment is to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment.

(4) This Ordinance is to be construed as one with the island Development (Guernsey) Law, 1966 and the Island Development (Amendment) (Guernsey) Law, 1988.

Citation

7. This Ordinance may be cited as the Island Development (Use Classes Ordinance, 1991.

Commencement

8. This Ordinance shall come into force on 1st March, 1991.

SCHEDULE 1

Section 1

Use classes

Residential use classes

Residential use class 1:	Use of detached dwelling as a permanent residence for one household.
Residential use class 2:	Use of one of a pair of dwellings sharing a common dividing wall or linked by a garage or garages, as a permanent residence for one household.
Residential use class 3:	Use of one of a group of dwellings sharing common dividing walls or linked by garages, as a permanent residence for one household.
Residential use class 4:	use of a flat as a permanent residence for

	one household.
Residential use class 5:	Use of any dwelling principally as a permanent residence for one household, but also by a member of that household for professional or business purposes not involving - (i) public display or sale of goods, or (ii) storage of bulky equipment or materials, or (iii) use for any industrial purpose, or (iv) a use which materially affects any of the matters mentioned in section 17(b), (e) or (f) of the Law
Residential use class 6:	Use of any dwelling principally as a permanent residence for one household, but also for retail trade or business carried on in not more than two rooms by a member of that household.
Residential use class 7:	Use of a dwelling other than a use within use classes 8 to 12 inclusive, as a permanent residence for more than one household.
Residential use class 8:	Use of a dwelling as a lodging house.
Residential use class 9:	Use as a hospital.
Residential use class 10:	Use as a nursing home.
Residential use class 11:	Use as a residential establishment for the

	provision of accommodation and care for people in need of care, other than a use within use classes 1 to 10 inclusive.
Residential use class 12:	Use as a residential school, college or training centre.

Tourist use classes

Tourist use class 13:	Use in accordance with a boarding permit of a guest house or private hotel not falling within use class 14.
Tourist use class 14:	Use in accordance with a boarding permit of an hotel licensed for the supply of intoxicating liquor to non-residents.
Tourist use class 15:	Any use for the accommodation of people, other than a use within use classes 1 to 14 inclusive, or premises which are primarily used for the accommodation of tourists on a self-catering basis (whether or not the premises are served by communal facilities).

Retail use classes

Retail use class 16:	Any retail trade or business not falling within use classes 17 to 28 inclusive.
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Retail use class 17:	Retail trade or business involving only artefacts created by individual artists and craftsmen, or produced by cottage industry processes, and sold or displayed in circumstances which would not materially effect the character of amenity of a generally rural area.
Retail use class 18:	Use of any premises as a launderette.
Retail use class 19:	Sale of food or drink for consumption on the premises.
Retail use class 20:	Sale of hot food for consumption off the premises.
Retail use class 21:	Sale, or display for sale, to visiting members of the public of live animals.

Commercial use classes

Commercial use class 22:	Cleaning, laundering or drying clothes or fabrics, not being a use within use class 18.
Commercial use class 23:	Use for a taxi business.
Commercial use class 24:	Use as an estate or real property agency.
Commercial use class 25:	Use of any premises as an office for any purpose, including the purposes of a bank or other financial institution, and (for office purposes only) the business of car hire or driving instruction, but excluding any use within use class 24 or use class 29.

Commercial use class 26:	Use of any premises as a veterinary clinic.
Commercial use class 27:	the boarding of domestic animals.
Commercial use class 28:	Use of any premises as a funeral parlour or for the business of a funeral director or undertaker.

Public administration use class

Public administration use class 29:	Use for the purposes of public administration.
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Public amenity use classes

Public amenity use class 30:	Use of any premises - (a) for the provision of non-residential human medical or health services otherwise than within a building principally used as a permanent residence, or (b) as a crèche or day nursery, or (c) as a day centre.
Public amenity use class 31:	Use of any premises as a non-residential educational establishment.
public amenity use class 32:	Use of any premises as a museum, art gallery, library or reading room, not being a use for retail trade or business.

Assembly and leisure use classes

Assembly and leisure use class 33:	Any use of premises as a place of public assembly other than a use falling within use class 29 or use classes 34 to 37 inclusive.
Assembly and leisure use class 34:	Use for public worship or religious instruction, or for the social and recreational activities of a religious body.
Assembly and leisure use 35:	Use as a theatre, cinema or concert hall.
Assembly and leisure use class 36:	Use as a dance hall or discotheque.
Assembly and leisure use class 37:	Use of a building as a gymnasium or sports hall.

Storage/Distribution use classes

Storage/Distribution use class 38:	Use for the commercial storage of any goods, not being a use within any of use classes 39 to 47 inclusive.
Storage/Distribution use class 39;	Cooled or refrigerated storage exceeding 10 cubic metres.
Storage/Distribution use class 40;	Storage of solid fuels.
Storage/distribution use class 41:	Storage of materials for use in the construction of buildings.
Storage/Distribution use class 42:	Storage of non-hazardous materials for use in any other industrial process, but excluding anything listed in use class 43.
Storage/Distribution use class 43:	Storage of putrescible, offensive or noxious organic material, leather, hid or skin.

Storage/Distribution use class 44:	Use for the parking or storage of motor vehicles.
Storage/Distribution use class 45:	Use as a goods transfer depôt.
Storage/Distribution use class 46:	Wholesaling not falling within use class 47.
Storage/Distribution use class 47:	Wholesaling to people visiting the premises

Industrial use classes

Industrial use class 48:	Use for any light industrial purpose.
Industrial use class 49:	Use for any general industrial purpose.
Industrial use class 50:	Extraction, grinding, crushing or screening of minerals in bulk.
Industrial use class 51:	Breaking vehicles, crushing or baling scrap metal or recovering metal from scrap.
Industrial use class 52:	Power-hammering, power-forging, riveting, panel beating or similar metal working activities.
Industrial use class 53:	Soap manufacture.
Industrial use class 55:	Processing food, not being a use within use classes 56 to 60 inclusive.
Industrial use class 56:	Processing putrescible, offensive or noxious organic material.
Industrial use class 57:	Tanning or dressing leather, hide or skin.
Industrial use class 58:	Slaughtering livestock, or processing animal products at an abattoir.

Industrial use class 59:	curing fish.
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Agricultural use class

Agricultural use class 60:	Use of land for agriculture, horticulture or forestry (including afforestation), and use for any of those purposes of any building occupied together with land so used.
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SCHEDULE 2

Section 5

Variation of Plans

1. Detailed Development Plan No. 1, Review No. 2^e at Schedule 1 (pages 1 to 23 of the Schedules) of the Report of the Island Development Committee in Billet d'État No. XII of 1988.

1.1 In paragraph 10, for “Industrial development within Use Groups H, J or L, commercial development within Use Groups D or E, and some public buildings within Use Group F, or a careful blend of any of these.” substitute:

“Development for industrial purposes within use classes 48, 49, 54 or 55; for storage/distribution purposes within use classes 38 to 42 inclusive or 45

^e at Schedule 1 (pages 1 to 23 of the Schedules) of the Report of the Island Development Committee in Billet d'État No. XII of 1988.

to 47 inclusive; for commercial purposes within use classes 22 to 25 inclusive; for public purposes within use classes 29, 30 or 32 to 37 inclusive; or a careful blend of any of these.”.

1.2 In the second indent of paragraph 20, omit “and tabulated in Schedule 2 of this Plan”.

1.3 For paragraph 22 substitute:

“22. The change of use of any building or land from a use specified in a use class prescribed by the island Development (Use classes) Ordinance, 1991, to a use specified in any other use class prescribed by that Ordinance, is development and requires permission. A change of use within such a use class is not development. Other changes of use constitute development, and therefore require permission, if they are material changes.”.

1.4 Schedule 2, and the reference to it in paragraph 1 of Part I are omitted.

2. Detailed Development Plan No. 2, Review No. 1^f

2.1 In paragraphs 9 and 13, for “Use Groups J or L”, wherever appearing, substitute “use classes 48, 49, 54 or 55”, for “Use Groups H or K”, wherever appearing substitute “use classes 38 to 47 inclusive 50 to 53 inclusive or 56 to 59 inclusive”, and for “other Use Groups” substitute “other use classes”.

2.2 In the second indent of paragraph 24, omit “and tabulated in Schedule 2 of this Plan”.

^f at Schedule 2 (pages 24 to 49 of the Schedules) of the Report of the island Development Committee in Billet d’État No. XII of 1988

2.3 For paragraph 26 substitute:

“26. the change of use of any building or land from a use specified in a use class prescribed by the island Development (Use classes) Ordinance, 1991, to a use specified in any other use class prescribed by that Ordinance, is development and requires permission. A change of use within such a use class is not development. Other changes of use constitute development, and therefore require permission, if they are material changes.”.

2.4 Schedule 2, and the reference to it in paragraph 1 of Part 1, are omitted.

3. Detailed Development Plan. No. 3, Review No. 1^g

3.1 For paragraph 2.7 substitute:

“2.7 The change of use of any building or land from a use specified in a use class prescribed by the Island Development (Use Classes) Ordinance, 1991, to a use specified in any other use class prescribed by that Ordinance, is development and requires permission. A change of use within such a use class is not development. Other changes of use constitute development, and therefore require permission, if they are material changes.”.

3.2 Schedule 2 is omitted.

4. Detailed Development Plan No. 4^h

^g at pages 117 to 400 of Billet d’État No. IV of 1991.

^h at Schedule 4 (pages 71 to 92 of the Schedules) of the Report of the Island Development committee in Billet d’État No. XII of 1988

4.1 In the second indent of paragraph 19, omit “and tabulated in Schedule 2 of this Plan”.

4.2 For paragraph 21 substitute:

“21. The change of use of any building or land from a use specified in a use class prescribed by the Island Development (Use Classes) Ordinance, 1991, to a use specified in any other use class prescribed by that Ordinance, is development and requires permission. A change of use within such a use class is not development. Other changes of use constitute development, and therefore require permission, if they are material changes.”.

4.3 Schedule 2, and the reference to it in paragraph 1 of Part I, are omitted.

5. Detailed Development Plan No. 5ⁱ

5.1 In paragraphs 8 and 13, for “Use Groups J, K or L”, wherever appearing, substitute “use classes 48 to 59 inclusive”, for “Use Group H”, wherever appearing, substitute “use classes 38 to 47 inclusive”, and for “other Use Groups” substitute “other use classes”.

5.2 In the second indent of paragraph 23, omit “and tabulated in Schedule 2 of this Plan”.

5.3 For paragraph 25 substitute:

ⁱ at Schedule 5 (pages 93 to 119 of the Schedules) of the Report of the Island Development Committee in Billet d’État No. XII of 1988

“25. The change of use of any building or land from a use specified in a use class prescribed by the Island Development (Use Classes) Ordinance, 1991, to a use specified in any other use class prescribed by that Ordinance, is development and requires permission. A change of use within such a use class is not development. Other changes of use constitute development, and therefore require permission, if they are material changes.”.

5.4 Schedule 2, and the reference to in paragraph 1 of Part I, are omitted.

6. Detailed Development Plan No. 6^j

6.1 In the second indent of paragraph 24, omit “and tabulated in Schedule 2 of this Plan”.

6.2 For paragraph 26 substitute:

“26. The change of any building or land from a use specified in a use class prescribed by the Island Development (Use Classes) Ordinance, 1991, to a use specified in any other use class prescribed by that Ordinance, is development and requires permission. A change of use within such a use class is not development. Other changes of use constitute development, and therefore require permission, if they are material changes.”.

6.3 Schedule 2, and the reference to it in paragraph 1 of Part I are omitted.

^j at pages 447 to 474 of Billet d’État No. XI of 1990