

Island of



Guernsey

# Ordinance of the States

**XII**  
**2021**

Made ..... 24th March, 2021

Coming into Operation ..... 1st April, 2021

## **The Land Planning and Development (Visitor Accommodation) (Amendment etc.) Ordinance, 2021**

## **The Land Planning and Development (Visitor Accommodation) (Amendment etc.) Ordinance, 2021**

THE STATES, in pursuance of their Resolution of the 24<sup>th</sup> February, 2021<sup>a</sup>, and in exercise of the powers conferred on them by sections 13(4) and (6), 28, 48(5), 81 and 89 of the Land Planning and Development (Guernsey) Law, 2005<sup>b</sup>, and all other powers enabling them in that behalf, hereby order:-

### **Amendment of the Exemptions Ordinance.**

1. (1) The Exemptions Ordinance is amended as follows.
- (2) In the Schedule (exempt development), after Class 9 insert –

"CLASS 9A

TEMPORARY 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 (use as serviced visitor accommodation) or use class 8 (use as non-serviced visitor

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<sup>a</sup> Article V of Billet d'État No. V of 2021.

<sup>b</sup> Order in Council No. XVI of 2005; amended by Order in Council No. XIII of 2010; Ordinance Nos. XXI, XXII, XXV, XXVII and XXVIII of 2007; No. XVIII of 2011; Nos. IX and XI of 2016 and No. III of 2019.

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 in the period starting on 25<sup>th</sup> March, 2020 and ending on the 31<sup>st</sup> December, 2021,
- (b) the land reverts to its previous lawful use, immediately before the 25<sup>th</sup> March, 2020, on or before the 31<sup>st</sup> January, 2022,
- (c) the owner or occupier of the land notifies 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 1<sup>st</sup> April, 2021, by the 21<sup>st</sup> April, 2021, or
  - (ii) where the change of use occurs after the 1<sup>st</sup> April, 2021, within 21 days of the date of the change of use.

(2) The notification referred to in subparagraph (1)(c) must include -

- (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.

**Exemption for 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 a 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 25<sup>th</sup> March, 2020 in compliance with the proviso in item (b) of paragraph 1(1).".

**Amendment of the Use Classes Ordinance.**

- 2. (1) The Use Classes Ordinance is amended as follows.
- (2) After section 4 insert –

**"Notification of use of non-serviced visitor accommodation as a winter let.**

4A. (1) The owner or occupier of any non-serviced visitor accommodation which is being used for the provision of sleeping accommodation or lodging to persons other than visitors in the circumstances set out in paragraph (b) of the definition of "**non-serviced visitor accommodation**" in section 5(1) must notify the Authority in writing of –

- (a) the name and address of the accommodation,  
and
- (b) the fact of and date of commencement of such  
use,

within 21 days of such use first occurring in each winter let period starting from the winter let period commencing on 1<sup>st</sup> November, 2021.

(2) In subsection (1), "**winter let period**" means the period beginning on the 1<sup>st</sup> November and ending on the 31<sup>st</sup> March in any 12 month period."

**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.**

3. (1) Where a change of use from an existing use falling within use class 7 (use as serviced visitor accommodation) or use class 8 (use as 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) occurred in reliance on the exemption in paragraph 1 of Class 9A to the Schedule to the Exemptions Ordinance, section 48(4) of the Law is modified as set out in subsection (2).

(2) The modification is that in calculating the periods within which a compliance notice may be issued no account is to be taken of any time from the 1<sup>st</sup> April, 2021 until the 31<sup>st</sup> January, 2022.

**Interpretation.**

4. In this Ordinance, unless the context requires otherwise –

"**the Exemptions Ordinance**" means the Land Planning and Development (Exemptions) Ordinance, 2007<sup>c</sup>,

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

"**the Use Classes Ordinance**" means the Land Planning and Development (Use Classes) Ordinance, 2017<sup>d</sup>.

**Citation.**

5. This Ordinance may be cited as the Land Planning and Development (Visitor Accommodation) (Amendment etc.) Ordinance, 2021.

**Commencement.**

6. This Ordinance shall come into force on the 1<sup>st</sup> April, 2021.

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<sup>c</sup> Ordinance No. XXIII of 2007; amended by No. IX of 2016; No. IV of 2017 and No. XVIII of 2018.

<sup>d</sup> Ordinance No. IV of 2017.