

GUERNSEY STATUTORY INSTRUMENT

2024 No.91

**The Land Planning and Development (Exemptions)
(Amendment) Regulations, 2024**

<i>Made</i>	<i>13th November, 2024</i>
<i>Coming into operation</i>	<i>13th November, 2024</i>
<i>Laid before the States</i>	<i>, 2024</i>

THE DEVELOPMENT & PLANNING AUTHORITY, in exercise of the powers conferred on it by section 1(7) of the Land Planning and Development (Exemptions) Ordinance, 2023^a and all other powers enabling it in that behalf, hereby makes the following regulations:-

Amendment of exemptions relating to development within the curtilage of a dwelling-house.

1. (1) Class 1 (development within the curtilage of a dwelling-house) of Schedule 1 (exempt development) to the Exemptions Ordinance is amended as follows.

^a Ordinance No. II of 2023; see also G.S.I. No. 72 of 2024.

(2) In paragraph 4 (replacement of a door, window, roof-light, roof-lantern or sun tunnel in existing opening), for all the words from "is made of" to the end substitute -

"is made of -

- (a) timber (except for parts comprising glazing), or
- (b) the same materials as the one it replaces."

(3) In paragraph 5, (installation of a door or window in new or altered opening) -

- (a) in item (b), for "where the new door or window is installed" substitute "in the case of a new door or window which is not positioned at a high level or the glazing of which is not all obscured and which is installed",
- (b) for item (d) substitute -
 - "(d) no part of the new door or window is installed more than 2.5 metres above ground level."

(4) In paragraph 6(a) (re-roofing), for "natural slate or clay tiles" substitute "natural slate or clay tiles or, in the case of the re-roofing of a flat roof, bitumen or fibre glass".

(5) In paragraph 8(d) (installation or re-roofing of dormer or cladding of dormer cheeks), delete "in the case of the re-roofing of a dormer or the cladding of dormer cheeks,".

(6) In paragraph 9(b) (erection of, or works to enclose, porch), delete "for the first time".

(7) In each of paragraphs 10(e), 12(c), 13(c), 14(d), 30(d) and (e) and 38(b) and (c), after "neighbouring" insert "residential".

(8) In paragraph 26 (installation of an air source heat pump or air conditioning unit), after item (e) add -

"(f) the air source heat pump or air conditioning unit is installed at ground level."

(9) In paragraph 30 (alterations to roofs), after item (e) add -

"(f) where the dwelling-house or outbuilding is within a conservation area, the material used is -

(i) natural slate or clay tiles, or

(ii) in the case of the alteration of a flat roof, bitumen or fibre glass."

(10) In paragraph 33 (replacement of balustrade) -

(a) in item (c), after "size," insert "height," and

(b) after item (c) add-

"(d) where the dwelling-house, outbuilding, other freestanding building or terrace is within a conservation area or is on, or within the curtilage of, any dwelling-house which is substantially constructed before 1900, the

balustrade is of the same size, height, design and materials as the one it replaces."

(11) In paragraph 37 (installation of energy storage equipment) -

(a) delete "at ground floor level", and

(b) after item (b) add -

"(c) the equipment is installed at ground level."

(12) In paragraph 38 (placement of polytunnel), after item (e) add -

"(f) no part of the polytunnel extends forward of any elevation of the dwelling-house that faces a highway."

Amendment of exemptions relating to development within the curtilage of a flat or a building containing flats.

2. (1) Class 2 (development within the curtilage of a flat or a building containing flats) of Schedule 1 (exempt development) to the Exemptions Ordinance is amended as follows.

(2) In paragraph 5 (installation of a door or window in new or altered opening) -

(a) in item (b), for "where the new door or window is installed" substitute "in the case of a new door or window which is not positioned at a high level or the glazing of which is not all obscured and which is installed", and

(b) for item (e) substitute –

"(e) no part of the new door or window is installed more than 2.5 metres above ground level."

(3) In paragraph 6(a)(i) (re-roofing) after "natural slate or clay tiles" insert "or, in the case of the re-roofing of a flat roof, bitumen or fibre glass".

(4) In paragraph 8(b) (erection of, or works to enclose, porch), delete "for the first time".

(5) In paragraph 19 (installation of energy storage equipment) -

(a) delete "at ground floor level", and

(b) after item (c) add -

"(d) the equipment is installed at ground level."

Amendment of exemptions relating to development within the curtilage of a non-domestic building.

3. (1) Class 4 (development within the curtilage of a non-domestic building) of Schedule 1 (exempt development) to the Exemptions Ordinance is amended as follows.

(2) In paragraph 1 (replacement of a door or window in existing opening), for all the words from "provided that" to the end substitute -

"provided that -

(a) the door or window is not part of a shop front,

(b) where the non-domestic building or outbuilding within the curtilage of a non-domestic building 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."

(3) In paragraph 6 (installation of a door or window in new or altered opening) -

(a) in item (b), for "where the new door or window is installed" substitute "in the case of a new door or window which is not positioned at a high level or the glazing of which is not all obscured and which is installed", and

(b) for item (d) substitute –

"(d) no part of the new door or window is installed more than 2.5 metres above ground level."

(4) In paragraph 7 (installation of an air source heat pump or air conditioning unit), after item (e) add –

"(f) the air source heat pump or air conditioning unit is installed at ground level."

(5) In paragraph 13 (installation of energy storage equipment) -

(a) delete "at ground floor level", and

(b) after item (b) add –

"(c) the equipment is installed at ground level."

Amendment to exemptions relating to maintenance, repair, minor alterations etc.

4. (1) Class 5 (maintenance, repair, minor alterations etc.) of Schedule 1 (exempt development) to the Exemptions Ordinance is amended as follows.

(2) For paragraph 2(b) (temporary development required for approved operations), substitute –

"(b) any structures are sited at ground level and no more than two structures in total are erected, installed or sited temporarily on the site in reliance on this exemption,".

Amendment to exemptions relating to demolition.

5. (1) Class 13 (demolition) of Schedule 1 (exempt development) to the Exemptions Ordinance is amended as follows.

(2) In paragraph 1(2), after item (h) add –

"(i) in the case of the demolition of a shed, the lawful use of the shed falls within any of use classes 1 to 6.

Interpretation.

6. In these Regulations, unless the context requires otherwise –

"**the commencement date**" means the date on which these Regulations come into force,

"**the Exemptions Ordinance**" means the Land Planning and Development (Exemptions) Ordinance, 2023, and

"**operational development**" means any development other than a material change of use.

Transitional Provision.

7. The lawfulness of any development carried out before the commencement date without the permission of the Development & Planning Authority but in accordance with the Exemptions Ordinance, as in force immediately before the commencement date, is not affected by the amendment of the Exemptions Ordinance by these Regulations, and any such operational development commenced but not completed by the commencement date may be continued provided that -

- (a) it is completed within a period of 12 months starting on the commencement date, and
- (b) it is carried on in accordance with the Exemptions Ordinance as in force immediately before the commencement date.

Citation.

8. These Regulations may be cited as the Land Planning and Development (Exemptions) (Amendment) Regulations, 2024.

Commencement.

9. These Regulations shall come into force on 13th November 2024.

Dated this 13th day of November, 2024



V. S. Oliver

President of the Development & Planning Authority

For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedule 1 (exempt development) to the Land Planning and Development (Exemptions) Ordinance, 2023 (Exemptions Ordinance) to amend the conditions/provisos which apply to certain exemptions from the requirement to obtain planning permission for development.

Regulation 1 makes amendments to the conditions/provisos to exemptions relating to development within the curtilage of a dwelling-house in paragraphs 4 to 6, 8 to 10, 12, 14, 26, 30, 33, 37 and 38 of Class 1 of Schedule 1 to the Exemptions Ordinance. The amendments to paragraphs 4 and 6 widen the materials that can be used. The amendments to paragraph 5 make an exception from a condition relating to the distance of a window/door from a boundary for certain windows/doors which would not overlook neighbours and change an existing condition to clarify that no parts of new doors or windows can be installed more than 2.5 metres above ground level. The amendments to paragraphs 26, 30 (new (f)), 33, 37 and 38 add or amend conditions/provisos relating to the required siting of exempt development or materials and design etc. to be used in sensitive locations. The amendments to paragraphs 8 and 9 are to ensure consistency with similar conditions/provisos; those to paragraphs 10, 12 to 14, 30(d) and (e) and 38 restrict existing conditions/provisos relating to distance from a boundary with a neighbouring property to distance from a boundary with a neighbouring residential property.

Regulation 2 makes amendments to the conditions/provisos to exemptions relating to development within the curtilage of a flat or a building containing flats in paragraphs 5, 6, 8 and 19 of Class 2 of Schedule 1 to the Exemptions Ordinance. The amendment to paragraph 5 makes an exception from a condition relating to the distance of a window/door from a boundary for certain windows/doors which would not overlook

neighbours and changes an existing condition to clarify that no parts of new doors or windows can be installed more than 2.5 metres above ground level consistent with amendments made in relation to dwelling-houses. The amendment to paragraph 6 widens the materials that can be used for flat-roofs and that to paragraph 8 is to ensure consistency with similar conditions/provisos. The amendment to paragraph 19 requires certain equipment to be installed at ground level consistent with other amendments relating to the siting of development.

Regulation 3 makes amendments to the conditions/provisos to exemptions relating to development within the curtilage of a non-domestic building in paragraphs 1, 6, 7 and 13 of Class 4 of Schedule 1 to the Exemptions Ordinance. The amendment to paragraph 6 makes an exception from a condition relating to the distance of a window/door from a boundary for certain windows/doors which would not overlook neighbours consistent with that made in relation to dwelling-houses and flats and changes an existing condition to clarify that no parts of new doors or windows can be installed more than 2.5 metres above ground level consistent with amendments made in relation to dwelling-houses and flats. The amendments to paragraphs 1, 7 and 13 add or amend conditions relating to materials and design where the building is pre-1900 (paragraph 1) and to the siting of the development at ground level (paragraphs 7 and 13).

Regulation 4 makes an amendment to the exemption in Class 5 of Schedule 1 to the Exemptions Ordinance to amend the condition in paragraph 2(b) to make it clearer that structures must be located at ground level.

Regulation 5 makes an amendment to the exemptions relating to demolition in Class 13 of Schedule 1 to the Exemptions Ordinance. Paragraph 1(2) is amended to add a new condition/proviso so that the exemption only applies to a shed where the lawful use of the shed is for a residential use.

Regulation 7 provides a transitional provision so that development which has been started at the date these Regulations come into force but not completed can be completed lawfully within 12 months of that date. Such development must be carried out fully in accordance with the Exemptions Ordinance as in force immediately before these Regulations come into force.

These Regulations come into force on the 13th November, 2024.