

Consolidated text

**ORDINANCE
OF THE STATES OF DELIBERATION**

ENTITLED

**The Land Planning and Development (Use Classes)
Ordinance, 2007 ***

[CONSOLIDATED TEXT]

NOTE

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* No. XXVI of 2007.

**ORDINANCE
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ARRANGEMENT OF SECTIONS

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SCHEDULE Use Classes.

(Made on the 26th September, 2007.)

The Land Planning and Development (Use Classes) Ordinance, 2007

THE STATES, in pursuance of their Resolutions of the 27th June 2002 and the 26th of January 2005^a, and in exercise of the powers conferred on them by sections 13(4) and (6) and 89 of the Land Planning and Development (Guernsey) Law, 2005^b and of all other powers enabling them in that behalf hereby order: –

Use Classes.

1. (1) Any numbered class of use identified in the Schedule is hereby prescribed as a use class for the purposes of the Law and for the purposes of any description used in the Strategic Land Use Plan and any Plan or Local Planning Brief.

(2) Subject to sections 2 to 4, where a building or other land is used for a purpose of any numbered class specified in the Schedule, the use of that building or other land for any other purpose of the same numbered class shall not be taken to constitute development.

(3) References in subsection (2) to a building include references to land occupied with the building and used for the same purposes.

Ancillary and incidental uses.

2. Subject to section 4(4), where the principal use of any premises falls within a use class any other use of those premises (or of adjacent premises used as

^a Billet d'État No. XI of 2002 and Article I of Billet d'État No. I of 2005.

^b Order in Council No. XVI of 2005.

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. Subject to section 4(4), 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 –

- (a) unless that other use has material effects, having regard to the matters set out in section 13(1)(a), (d), (e) and (i) of the General Ordinance^c as though that section referred to the likely effect of that use, and
- (b) 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) For the avoidance of doubt, 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 only if it is a material change.

(2) Where premises are used for a mixture of uses that do not fall within one use class so that there is no principal use ("**mixed use**"), then any of the uses comprising that mixed use shall be regarded as not falling within any use class,

^c Approved by resolution of the States on 26th September, 2007.

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notwithstanding that any such use might (if carried out independently of the other uses) have fallen within a specified use class.

(3) Subject to sections 2 and 3, no use class specified in the Schedule includes use –

- (a) for the sale of fuel for motor vehicles or boats,
- (b) as a taxi business,
- (c) as a betting office,
- (d) as a funeral parlour or for the business of a funeral director or undertaker,
- (e) as a veterinary clinic or for the boarding of animals,
- (f) as an abattoir or a knacker's yard,
- (g) for the sale, or display for sale or hire, of motor vehicles, or
- (h) as a casino.

(4) No use class specified in the Schedule includes use for the accommodation of people in tents on a commercial basis including, notwithstanding sections 2 and 3 –

- (a) where such use is ancillary or ordinarily incidental to the principal use of the premises in question, or

- (b) where such use is an insignificant, temporary or occasional use which would fall within the principal use class on the premises in question pursuant to section 3.

Interpretation.

5. (1) In this Ordinance, unless the context requires otherwise –

"**animals**" includes birds, fish, insects and reptiles,

"**art gallery**" means premises used for the public display of works of art for their appreciation and not for their sale,

"**boarding permit**" means a permit granted by the States of Guernsey Commerce and Employment Department 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,

"**Department**" means the States of Guernsey Environment

^d Ordres en Conseil Vol. XIII, p. 329 as amended by Vol. XXI, p. 104, XXVIII, p. 275 and Order in Council No. XI of 1998.

Department,

"development" shall be construed in accordance with section 13(1) of the Law and Part I of the General Ordinance,

"Development Plan" means a current adopted plan prepared pursuant to sections 8 and 11 of the Law including any current adopted amendment thereto,

"dwelling" means a building or part of a building designed for human habitation, and includes any land within the curtilage of that building,

"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,

"garden centre" means premises used as a plant centre and for all of the following uses –

- (a) the retail sale of any other goods associated with plants and gardening,
- (b) the offering of services related to gardening to the public,
- (c) the holding on an occasional basis of fairs and other events related to gardening,

"general industrial purpose" means an industrial purpose which is

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not a light industrial purpose or a special industrial purpose and does not fall within use classes 39 or 41 to 43,

"General Ordinance" means the Land Planning and Development (General Provisions) Ordinance, 2007,

"household" means –

- (a) a person living alone,
- (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, including data processing 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, Compact Disc, Digital Versatile Disc or sound recording),
- (b) the altering, repairing, maintaining, decorating, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or destruction of any article,
- (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 Land Planning and Development (Guernsey) Law, 2005,

"light industrial purpose" means any industrial purpose which is not a special industrial purpose and does not fall within use classes 39 or 41 to 43, 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 for any reason including by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit, artificial lighting or discharge of solid or liquid substances,

"Local Planning Brief" means a current adopted brief prepared pursuant to sections 10 and 11 of the Law including any current adopted amendment thereto,

"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 used for the accommodation and nursing of people suffering from sickness, injury or infirmity,

"Plan" means a Development Plan or a Subject Plan,

"plant centre" means premises used for the retail sale of plants and goods used in relation to the growing and care of plants,

"premises" includes buildings and any other land,

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"the public" includes any section of the public,

"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 of 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, or
- (h) receiving goods to be washed, cleaned or repaired, to, from, or for, visiting members of the public,

"special industrial purpose" means an industrial purpose, not falling within use classes 39 or 41 to 43 –

- (a) which falls within the following subparagraphs –
 - (i) extraction, grinding, crushing or screening of minerals in bulk,

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- (ii) breaking vehicles, crushing or baling scrap metal,
 - (iii) recovering metal from scrap, or
 - (iv) power-hammering, power-forging, riveting, panel beating or similar metal working activities, or
- (b) where the processes carried on and the machinery installed are such as could not be installed or carried on in any residential area without causing a serious detrimental effect to the amenity of that area for any reason including by reason of noise, vibration, smell, fumes, smoke, ash, dust or grit, artificial lighting or discharge of any solid or liquid substances,

"Strategic Land Use Plan" means the Plan which is the current Strategic Land Use Plan pursuant to sections 4 and 5 of the Law including any current adopted amendment thereto,

"Subject Plan" means a current adopted plan prepared pursuant to sections 9 and 11 of the Law including any current adopted amendment thereto,

"use class" shall be construed in accordance with section 1(1),

"visitor attraction" means any premises used to provide entertainment, interest or education to the public and which are –

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- (a) established on a permanent basis, and
- (b) open to the public without prior booking for published periods during the year,

"waste" includes –

- (a) scrap material, effluent or other unwanted surplus arising from any process, and
- (b) anything which requires to be disposed of as being broken, worn out, contaminated, spoiled or redundant,

and other terms used in this Ordinance which are not defined in it but are defined in the Law shall have the same meaning as in the Law.

(2) A reference in this Ordinance to a use class followed by a number is a reference to the use class of that number identified in the Schedule.

(3) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Repeal.

6. The Island Development (Use Classes) Ordinance, 1991^e and the Island Development (Sheltered Housing Use Class) Ordinance, 2000^f are hereby

^e Recueil d'Ordonnance, Vol. XXV, p. 240 as amended by Ordinance No. VI of 2000.

^f Ordinance No. VI of 2000.

repealed.

Citation.

7. This Ordinance may be cited as the Land Planning and Development (Use Classes) Ordinance, 2007.

Commencement.

8. This Ordinance shall come into force on the same date as the Law.

NOTE

The Law was brought into force on 6th April, 2009 by the Land Planning and Development (Fees and Commencement) Ordinance, 2008, section 15.

SCHEDULE
USE CLASSES

Section 1(1)

Residential use classes

Residential use class 1:	Use, other than a use falling within use classes 2 to 4, of – (a) a detached dwelling, or (b) one of a pair or one of a group of dwellings sharing common dividing walls or linked by garages, as a permanent residence for one household.
Residential use class 2:	Use, other than a use falling within use class 1, 3 or 4, of a flat as a permanent residence for one household.
Residential use class 3:	Use of one of a group of dwellings affording facilities specially suited to the needs of older or disabled people, including the on-call assistance of a

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	<p>resident or nearby warden –</p> <p>(a) as a permanent residence for a person living alone who, or</p> <p>(b) as a permanent residence for two persons living together of whom at least one,</p> <p>has either attained an age of 55 years, or requires access to those facilities because of his disability.</p>
<p>Residential use class 4:</p>	<p>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 or retail trade or business and carried on in not more than two rooms but which does not involve –</p> <p>(a) storage of hazardous or odorous materials,</p> <p>(b) a use falling within use classes 39 or 41 to 43 or</p>

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	<p>for any general or special industrial purpose, or</p> <p>(c) any other use which could not be carried on without material detrimental effects on a neighbouring property.</p>
Residential use class 5:	Use of a dwelling, other than a use falling within use classes 6 to 9, as a permanent residence for more than one household.
Residential use class 6:	Use as a lodging house.
Residential use class 7:	Use as a hospital.
Residential use class 8:	Use as a nursing home or as a residential establishment for the provision of accommodation and care, other than a use falling within use classes 3 or 4.
Residential use class 9:	Use as a residential school, college or

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	training centre.
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Visitor Economy use classes

Visitor economy use class 10:	Use in accordance with a boarding permit of a guest house or private hotel, other than a use falling within use class 11.
Visitor economy use class 11:	Use in accordance with a boarding permit of an hotel licensed for the supply of intoxicating liquor to non-residents.
Visitor economy use class 12:	Use for the accommodation of people, other than a use falling within use classes 1 to 11, including use primarily for the accommodation of visitors on a self-catering basis (whether or not the premises are served by communal facilities).
Visitor economy use class 13:	Use as a visitor attraction other than – (a) a use for a retail trade or

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	<p>business falling within use class 14,</p> <p>(b) a use as a theatre or cinema falling within use class 28, or</p> <p>(c) a use falling within use class 29.</p>
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Retail use classes

Retail use class 14:	<p>Any retail trade or business use, not falling within use classes 15 to 20, the purpose of which is to –</p> <p>(a) sell or display goods for retail sale, or</p> <p>(b) offer services,</p> <p>to the public.</p>
Retail use class 15:	<p>Sale of food for consumption on the premises.</p>

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Retail use class 16:	Sale of hot food for consumption off the premises.
Retail use class 17:	Use as a launderette.
Retail use class 18:	Use as a plant centre.
Retail use class 19:	Use as a garden centre.
Retail use class 20:	Sale, or display for sale, to visiting members of the public of live animals.

Administrative, financial and professional services

Administrative, financial and professional services use class 21:	Use for providing professional or financial services to visiting members of the public.
Administrative, financial and professional services use class	Use as an administrative office for any purpose, other than a use falling within

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22:	use classes 21 or 23.
Administrative, financial and professional services use class 23:	Use for the temporary relocation of an administrative office in the event of an emergency.

Public amenity use classes

Public amenity use class 24:	Use of any premises – (a) for the provision of non-residential medical or health services, or (b) as a crèche or childrens' day nursery, or (c) as a day centre.
Public amenity use class 25:	Use as a non-residential educational establishment or training centre.
Public amenity use class 26:	Use of any premises as a museum, public

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	archive, art gallery, library or reading room.
Public amenity use class 27:	Use as a place – (a) of public assembly, or (b) of public worship or for the social and recreational activities of a religious body.
Public amenity use class 28:	Use as a – (a) commercial exhibition hall or conference centre, or (b) theatre, cinema or concert hall.
Public amenity use class 29:	Use as a commercial – (a) gymnasium or sports hall, or (b) fitness centre or health

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	suite.
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Storage/Distribution use classes

Storage/Distribution use class 30:	Use, not falling within use classes 31 to 36, for the commercial storage of any goods.
Storage/Distribution use class 31:	Use for cooled or refrigerated storage exceeding 10 cubic metres.
Storage/Distribution use class 32:	Use, not falling within use class 36, for storage of solid fuels, building materials or non-hazardous materials.
Storage/Distribution use class 33:	Use for storage or parking of motor vehicles.
Storage/Distribution use class 34:	Use for – (a) the transfer of goods, or

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	(b) for the distribution of goods in connection with their commercial storage.
Storage/Distribution use class 35:	Use for data and archive storage in any form relating to a business carried out elsewhere.
Storage/Distribution use class 36:	Use for storage of hazardous, odorous, putrescible or offensive material, of noxious organic material or of leather, hide or skin.

Industrial use classes

Industrial use class 37:	Use for any light industrial purpose.
Industrial use class 38:	Use for any general industrial purpose.
Industrial use class 39:	Use of buildings, other than use falling within use class 17, for cleaning, laundering or drying of clothes or fabrics.

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Industrial use class 40:	Use for any special industrial purpose.
Industrial use class 41:	Use for the production or processing of any article or substance which may in any reasonably foreseeable circumstances be hazardous, or present a risk to public health or safety.
Industrial use class 42:	Use, other than use falling within use class 43, for the sorting, treatment, baling, disposal or transfer of putrescible or inert waste.
Industrial use class 43:	Use for processing putrescible or offensive material or noxious organic material including – (a) tanning or dressing leather, hide or skin, (b) curing fish, or (c) composting carried out on a commercial basis or on a large scale.

Agricultural use class

Agricultural use class 44:	Use of land for agriculture, horticulture or forestry (including afforestation), including, for the avoidance of doubt, use for any of those purposes of any building occupied together with land so used.
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