



Jersey

PLANNING AND BUILDING (GENERAL DEVELOPMENT) (JERSEY) ORDER 2011

Arrangement

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Made

21st June 2011

Coming into force

28th June 2011

THE MINISTER FOR PLANNING AND ENVIRONMENT, in pursuance of Articles 8(3)(a) and 124 of the Planning and Building (Jersey) Law 2002¹, orders as follows –

1 Interpretation

In this Order, unless the context otherwise requires –

“AAP” means an area designated by the Minister as an area of archaeological potential pursuant to the Supplementary Planning Guidance published under Article 6 of the Law in January 2008 entitled “Planning Policy Note 1 Archaeology and Planning”, and listed in the Schedule to that guidance entitled “Schedule of sites of archaeological interest”;

“agricultural land” means land to which the Protection of Agricultural Land (Jersey) Law 1964² applies;

“betting office” means a building in respect of which there is in force a betting office licence granted pursuant to Regulations made under the Gambling (Jersey) Law 1964³;

“building” does not include plant or machinery or a structure or erection in the nature of plant or machinery but does include any other structure or erection and a part of a building as so defined;

“CA” means an area designated as a conservation area pursuant to the Island Plan;

“dormer window” means a projecting upright window in a sloping roof, the height of which is lower than the apex of the roof from which it projects;

“dwelling-house” does not include a building containing 1 or more flats;

“flat” means a self-contained separate set of premises that –

- (a) is constructed for use as a dwelling;
- (b) includes within it, for the exclusive use of the occupiers, a toilet and washing and cooking facilities; and
- (c) forms part of a building which is divided horizontally from another part of that building;

“ground level”, in respect of a building –

- (a) means the level of the surface of the ground immediately adjacent to it; but
- (b) if the level of the surface of the ground on which it is situated or is to be situated is not uniform, means the level of the lowest part of the surface of the ground adjacent to the building;

“guest house” means premises registered in the Guest House Register under the Tourism (Jersey) Law 1948⁴;

“highway authority”, in the case of a road repairable at the expense of the States or a parish, means, in relation to –

- (a) a main road, the Minister for Transport and Technical Services; or
- (b) a by-road, the Roads Committee of the parish in which the road is situated;

“Law” means the Planning and Building (Jersey) Law 2002⁵;

“listed building or place” or “LBP” means a site of special interest as defined by Article 50 of the Law;

“Minister’s register” means the register of buildings and sites of architectural, archaeological and historical importance maintained and published by the Minister in accordance with the Island Plan and referred to in the guidance and policy published under Article 6 of the Law in November 2008, entitled “Supplementary Planning Guidance: Practice Note 9: The identification and designation of buildings and places of architectural, archaeological, historical or other interest”;

“motor vehicle” has the same meaning as in the Road Traffic (Jersey) Law 1956⁶;

“pLBP” means a building or place registered in the Minister’s register as a potential listed building or place (whether or not formerly registered in that register as a Building of Local Interest or as a proposed Site of Special Interest);

“principal elevation”, in respect of a building, means any elevation of the building that faces, and is within 20 metres of, a road;

“road” has the same meaning as in the Roads Administration (Jersey) Law 1960⁷;

“skylight” means a window set in the plane of a roof and protruding (when closed) no more than 10 centimetres above the plane of the roof in which it is set;

“sun-pipe” means a tube inserted in the roof of a building for the purpose of transporting and diffusing daylight to the interior of the building.

2 Permitted development

- (1) Planning permission is hereby granted by the Minister for the classes of development described as permitted development in Schedule 1.
- (2) Any permission granted by paragraph (1) is subject to any relevant exceptions, limitations or conditions specified in Schedule 1.

3 Use classes

- (1) Planning permission is hereby granted by the Minister where a building or other land is used for a purpose specified in a use Class set out in Schedule 2 to use the building or land for another purpose specified in that use Class.
- (2) A use that is ordinarily incidental to and included in a use set out in Schedule 2 is not excluded from that use as an incident of that use merely by reason of its specification in that Schedule as a separate use.
- (3) No use Class set out in Schedule 2 includes use –
 - (a) as an amusement arcade or centre, or funfair;
 - (b) for the washing of clothes or fabrics in coin-operated machines or on premises at which the goods to be cleaned are received direct from the visiting public;
 - (c) for the sale of fuel for motor vehicles;
 - (d) for the sale or display of motor vehicles;
 - (e) for a taxi business or business for the hire of motor vehicles; or
 - (f) as a scrap yard, or a yard for the storage or distribution of minerals or the breaking of motor vehicles.

4 Directions restricting permitted development

- (1) This Article applies where the Minister is satisfied that in respect of a particular building or land it is expedient that –
 - (a) permitted development described in a Part, Class or paragraph set out in Schedule 1; or
 - (b) a change of use within a use Class set out in Schedule 2,should not be carried out unless permission is granted by the Minister on application made to the Minister.
- (2) The Minister may give a direction that the permission granted by Article 2 or 3, as the case may be, shall not apply in respect of the building or land to –
 - (a) all or any development of the Part, Class or paragraph; or
 - (b) the change of use within the use Class,specified in the direction.

- (3) The Minister must serve notice of a direction given under paragraph (2) on the owner and (if different) the occupier of the building or land to which it applies.
- (4) A direction under paragraph (2) has effect from the service of the notice on the owner of the building or land in accordance with paragraph (3).
- (5) A direction may be given as a condition of any planning permission in respect of the building or land to which the direction applies.
- (6) Where a direction is so given the planning permission shall have effect as if it were notice served in accordance with paragraph (3).

5 Savings

- (1) Nothing in this Order permits development contrary to any conditions imposed by the Minister on the previous grant of any planning permission.
- (2) Nothing in the Order exempts a person carrying out development for which permission is granted by this Order from compliance with Building Bye-laws or any other enactment.
- (3) The permission granted by this Order shall not apply if –
 - (a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful;
 - (b) in the case of permission granted in connection with an existing use, that use is unlawful.

6 Revocation

The Planning and Building (General Development) (Jersey) Order 2008⁸ and the Planning and Building (General Development) (Amendment) (Jersey) Order 2009⁹ are revoked.

7 Citation and commencement

This Order may be cited as the Planning and Building (General Development) (Jersey) Order 2011 and comes into force 7 days after it is made.

SENATOR F.E. COHEN

Minister for Planning and Environment

SCHEDULE 1

(Article 2)

PERMITTED DEVELOPMENT

PART 1

**WORK CARRIED OUT WITHIN THE CURTILAGE OF A
DWELLING-HOUSE**

CLASS A	
Permitted development	A.1 The erection, construction or placing, and the maintenance, improvement or other alteration within, the curtilage of a dwelling-house of – (a) a structure required for a purpose (other than human habitation) incidental to the enjoyment of the dwelling-house as such; or (b) an extension to a dwelling, including a conservatory, or the conversion of a garage attached to a dwelling, for human habitation.
Work not permitted	A.2 Work is not permitted by Class A if – (a) with the exception of the erection of a flagpole (whether free-standing or attached) any part of the structure, conservatory, extension or garage is in front of a principal elevation of the dwelling-house; (b) with the exception of the erection of a free-standing flagpole, the dwelling-house and its curtilage is or forms part of a LBP or pLBP or is in an AAP; (c) the conservatory, extension or garage conversion is not directly accessible from within the existing dwelling-house; (d) the conservatory, extension or garage conversion is, or will be, used for a commercial purpose or as a separate dwelling unit;

	<ul style="list-style-type: none"> (e) in the case of the erection of a free-standing flagpole, excavation is involved at a LBP, pLBP or in an AAP; (f) with the exception of the erection of a flagpole, the structure, conservatory, extension or garage exceeds the maximum height – <ul style="list-style-type: none"> (i) if the roof is pitched, of 3.5 metres above ground level, measured at the roof ridge, or of 2.5 metres above ground level, measured at the lower edge of the roof plane, (ii) of 2.75 metres above ground level if the roof is flat, or (iii) of 2 metres above ground level if the roof is within 1 metre of the boundary of an adjoining property; (g) with the exception of the construction of a swimming pool, the total aggregated external area of any structures or buildings erected under this Class since 1st June 2007 exceeds 30 square metres; (h) the work involves the formation or widening of a means of access to a road; (i) the work creates an obstruction to the view of a person using a road at or near a bend, corner, junction or intersection so as to be likely to cause danger to such a person.
Conditions	<p>A.3 Any structure, conservatory, extension or garage permitted under Class A.1(a) must not be used for a commercial purpose or for human habitation.</p> <p>A.4 No retaining structure for a swimming pool shall exceed 1.2 metres in height.</p> <p>A.5 In the case of the erection of a flagpole, it must not be used to display an advertisement for which permission is required under the Planning and Building (Display of Advertisements) (Jersey) Order 2006¹⁰.</p>
CLASS B	
Permitted development	<p>B.1 The erection, construction, maintenance, improvement or other alteration within the curtilage of a dwelling-house of a gate, fence, wall or other means of enclosure.</p>

Work not permitted	<p>B.2 Work is not permitted by Class B if –</p> <ul style="list-style-type: none"> (a) the dwelling-house is or forms part of a LBP or pLBP or is in an AAP or, where the dwelling-house is in a CA, if the works are in front of a principal elevation of the dwelling-house; (b) the gate, fence, wall or other means of enclosure abuts onto or is within 2 metres of a road and its highest point will be more than 90 centimetres above the level of the road, or in any other case, its highest point will be more than 2 metres above ground level on either side of it; (c) the work involves the formation or widening of a means of access to a road where the access will be more than 1 metre wide; (d) the work creates an obstruction to the view of a person using a road at or near a bend, corner, junction or intersection so as to be likely to cause danger to such a person.
CLASS C	
Permitted development	<p>C.1 The formation within the curtilage of a dwelling-house of a driveway, turning area, car park, patio, pathway, decked area or other hardstanding or raised planting area, or the conversion of any driveway, turning area, car park, patio, pathway, decked area or other hardstanding to a lawn or planting area.</p>
Work not permitted	<p>C.2 Work is not permitted by Class C if –</p> <ul style="list-style-type: none"> (a) in the case of a driveway, turning area or car park – <ul style="list-style-type: none"> (i) the dwelling-house is or forms part of a LBP or pLBP or is in a CA, or (ii) the dwelling-house is in an AAP and excavation is involved; (b) the driveway, turning area, car park, patio, pathway, decked area or other hardstanding or raised planting area exceeds 40 centimetres in height above the existing ground level; (c) the work involves the formation or widening of a means of access to a road;

	<ul style="list-style-type: none"> (d) the work creates an obstruction to the view of a person using a road at or near a bend, corner, junction or intersection so as to be likely to cause danger to such a person; (e) the work would result in the discharge of surface water onto a road adjoining the property and the approval of any highway authority to the discharge has not been obtained.
CLASS D	
Permitted development	D.1 The erection, construction or placing, maintenance, improvement or other alteration within the curtilage of a dwelling-house of a tank for the storage of liquid or gaseous fuel for use for the domestic purposes of the dwelling-house.
Work not permitted	<p>D.2 Work is not permitted by Class D if –</p> <ul style="list-style-type: none"> (a) the dwelling-house is or forms part of a LBP or pLBP or is in a CA; or if the dwelling-house is in an AAP and excavation is involved; (b) any part of the work is in front of a principal elevation of the dwelling-house; (c) the capacity of the tank exceeds 3,500 litres; (d) the height of the tank exceeds 2.5 metres above ground level; (e) the work involves the formation or widening of a means of access to a road; (f) the work creates an obstruction to the view of a person using a road at or near a bend, corner, junction or intersection so as to be likely to cause danger to such a person.
CLASS E	
Permitted development	E.1 The conversion within a dwelling-house of the roof space for use as habitable accommodation or other purposes ancillary to its use as a dwelling, including the insertion of 1 or more dormer windows or skylights.
Work not permitted	<p>E.2 Work is not permitted by Class E if –</p> <ul style="list-style-type: none"> (a) the dwelling-house is or forms part of a LBP or pLBP; (b) any dormer window or, in the case where the

		<p>dwelling-house is in a CA, any dormer widow or skylight, will be inserted into the principal elevation of the building;</p> <p>(c) the work includes the insertion of a gable window.</p>
Conditions	<p>E.3 Any dormer window must be installed at least 1 metre from the boundary of any adjoining property; at least 1 metre above the lower edge of the roof plane on which it is installed; at least 1 metre from the roof ridge; and at least 1 metre, when measured horizontally, from any other dormer window on the roof.</p> <p>E.4 The lowest part of the frame of any skylight must be more than 1.7 metres above the finished floor-level of the internal converted roof space.</p> <p>E.5 The width of any dormer window, when measured from the outer edges of its frame, must not exceed 1.2 metres.</p> <p>E.6 There must not be more than 2 dormer windows, including those to be installed, on any roof plane, and the total area of any dormer windows and skylights must not exceed 25% of the total area of the roof plane on which they are installed.</p> <p>E.7 The roof space must not be used for a commercial purpose or as a separate unit of accommodation.</p> <p>E.8 Any glazed face of a dormer window that faces an adjoining residential property, must be situated no closer than 10 metres from the boundary of the property it faces.</p> <p>E.9 The aggregated area of any photovoltaic or water-heating solar panels or similar devices, any dormer windows and any skylights installed on a roof plane must not exceed 50% of the total area of the roof plane on which they are installed.</p>	
CLASS F		
Permitted development	F.1	The placing of vents, flues and similar items, and minor alterations to any dwelling.
Work not permitted	F.2	Work is not permitted by Class F if the building is or forms part of a LBP or pLBP, or is in a CA or if

		the works are to a principal elevation.
Conditions	F.3	A vent or flue installed within a roof must not protrude more than 1 metre above the plane of the roof in which it is set.
	F.4	A vent installed on a wall must not protrude more than 30 centimetres from the wall on which it is installed, nor be more than 30 centimetres in height.

PART 2**WORK CARRIED OUT WITHIN THE CURTILAGE OF A BUILDING
CONTAINING ONE OR MORE FLATS**

CLASS A		
Permitted development	A.1	The conversion of the roof space for use for habitable accommodation or other purposes ancillary to the use of a flat, including the insertion of 1 or more dormer windows or skylights.
Work not permitted	A.2	Work is not permitted by Class A if – <ul style="list-style-type: none"> (a) the building is or forms part of a LBP or pLBP; (b) any dormer window or, in the case where the dwelling-house is in a CA, any dormer window or skylight, will be inserted into the principal elevation of the building; (c) the work includes the insertion of a gable window.
Conditions	A.3	Any dormer window must be installed at least 1 metre from the boundary of any adjoining property; at least 1 metre above the lower edge of the roof plane on which it is installed; at least 1 metre from the roof ridge; and at least 1 metre, when measured horizontally, from any other dormer window on the roof.
	A.4	The lowest part of the frame of any skylight must be more than 1.7 metres above the finished floor-level of the internal converted roof space.
	A.5	The width of any dormer window, when measured from the outer edges of its frame, must not exceed 1.2 metres.
	A.6	There must not be more than 2 dormer windows,

	<p>including those to be installed, on any roof plane, and the total area of any dormer windows and skylights must not exceed 25% of the total area of the roof plane on which they are installed.</p> <p>A.7 The roof space must not be used for a commercial purpose or as a separate unit of accommodation.</p> <p>A.8 Any glazed face of a dormer window that faces an adjoining residential property, must be situated no closer than 10 metres from the boundary of the property it faces.</p> <p>A.9 The aggregated area of any photovoltaic or water-heating solar panels or similar devices, any dormer windows and any skylights installed on a roof plane must not exceed 50% of the total area of the roof plane on which they are installed.</p>
CLASS B	
Permitted development	B.1 The erection, construction, maintenance, improvement or other alteration within the curtilage of a building containing a flat of a gate, fence, wall or other means of enclosure.
Work not permitted	<p>B.2 Work is not permitted by Class B if –</p> <p>(a) the building is or forms part of a LBP or pLBP, or is in an AAP or CA;</p> <p>(b) the gate, fence, wall or other means of enclosure abuts onto or is within 2 metres of a road and its highest point will be more than 90 centimetres above the level of the road, or in any other case, its highest point will be more than 2 metres above ground level on either side of it;</p> <p>(c) the work involves the formation or widening of a means of access to a road where the access will be more than 1 metre wide;</p> <p>(d) the work creates an obstruction to the view of a person using a road at or near a bend, corner, junction or intersection so as to be likely to cause danger to such a person.</p>
CLASS C	
Permitted development	C.1 The formation within the curtilage of a building containing a flat of a driveway, turning area, car park, patio, pathway, decked area or other hardstanding, or raised planting area, or the conversion of any driveway, turning area, car

	park, patio, pathway, decked area or other hardstanding to a lawn or planting area.
Work not permitted	<p>C.2 Work is not permitted by Class C if –</p> <ul style="list-style-type: none"> (a) in the case of a driveway, turning area or car park – <ul style="list-style-type: none"> (i) the building concerned, or its curtilage is or forms part of a LBP or pLBP or is in a CA, (ii) the building concerned, or its curtilage, is in an AAP and excavation is involved; (b) the driveway, turning area, car park, patio, pathway, decked area or other hard standing or raised planting area exceeds 40 centimetres in height above the existing ground level; (c) the work involves the formation or widening of a means of access to a road; (d) the work creates an obstruction to the view of a person using a road at or near a bend, corner, junction or intersection so as to be likely to cause danger to such a person; (e) the work would result in the discharge of surface water onto a road adjoining the property and the approval of any highway authority to the discharge has not been obtained.
CLASS D	
Permitted development	<p>D.1 The erection, construction or placing, maintenance, improvement or other alteration within the curtilage of a building containing a flat of a tank for the storage of liquid or gaseous fuel for use for the domestic purposes of the dwellings.</p>
Work not permitted	<p>D.2 Work is not permitted by Class D if –</p> <ul style="list-style-type: none"> (a) the building or its curtilage is or forms part of a LBP or pLBP or is in a CA; or if the dwelling-house is in an AAP and excavation is involved; (b) any part of the work is in front of a principal elevation of a building; (c) the capacity of the tank exceeds 7,000 litres;

		<p>(d) the height of the tank exceeds 2.5 metres above ground level;</p> <p>(e) the work involves the formation or widening of a means of access to a road;</p> <p>(f) the work creates an obstruction to the view of a person using a road at or near a bend, corner, junction or intersection so as to be likely to cause danger to such a person.</p>
CLASS E		
Permitted development	E.1	The placing of vents, flues and similar items, and minor alterations to any dwelling forming part of the building.
Work not permitted	E.2	Work is not permitted by Class E if the building is or forms part of a LBP or pLBP, or is in a CA or if the works are to a principal elevation.
Conditions	E.3	A vent or flue installed within a roof must not protrude more than 1 metre above the plane of the roof in which it is set.
	E.4	A vent installed on a wall must not protrude more than 30 centimetres from the wall on which it is installed, nor be more than 30 centimetres in height.

PART 3

REPAIRS, MAINTENANCE AND MINOR WORKS TO LAND AND BUILDINGS

CLASS A		
Permitted development	A.1	The painting of the exterior, or any part of the exterior of a building or other structure.
Work not permitted	A.2	Work is not permitted by Class A if the building is or forms part of a LBP or pLBP or, where the building is situated in a CA, and the part of the building to be painted has never been painted.
	A.3	Work is not permitted by Class A where the painting is for the purpose of advertisement, announcement or direction.
CLASS B		
Permitted development	B.1	The erection, construction or placing and the maintenance, improvement or other alteration

	of television, radio or other antennae.
Work not permitted	<p>B.2 Work is not permitted by Class B if –</p> <ul style="list-style-type: none"> (a) in the case of a satellite dish, its diameter exceeds 60 centimetres or if it is placed on a principal elevation; (b) the work is the erection, construction or placing of mobile telephone network equipment; or (c) the building on which the installation is to be placed is or forms part of a LBP or pLBP, or the building is in a CA and the installation would face a road; (d) in the case of a satellite dish, the work would result in there being more than 1 satellite dish being erected or placed at or on the building.
Condition	Where a satellite dish is placed on land in front of the principal elevation, it must be placed no higher than 1 metre above ground level, measured at its highest point.
CLASS C	
Permitted development	C.1 The provision on land of a building, movable structure, work, vehicular access, plant or machinery required temporarily in connection with and for the duration of any works permitted by the Minister under any enactment being or to be carried out on, in, under or over that land or adjoining land.
Work not permitted	<p>C.2 Work is not permitted by Class C if –</p> <ul style="list-style-type: none"> (a) the work creates an obstruction to the view of a person using a road at or near a bend, corner, junction or intersection so as to be likely to cause danger to such a person; (b) in a case where the work is for a vehicular access, the permission of the highway authority has not been obtained.
Conditions	<p>C.3 When the operations have been carried out –</p> <ul style="list-style-type: none"> (a) any building, movable structure, work, plant or machinery permitted by Class C must be removed as soon as reasonably practicable; (b) any land on which work permitted by Class C has been carried out must, as soon as reasonably practicable, be reinstated to its

	condition before that work was carried out.
CLASS D	
Permitted development	D.1 The carrying out of work required for the maintenance of a private way including the placing of lamp standards, seats, fire alarms, cycle racks, closed circuit television cameras, drinking fountains, refuse bins or baskets, bollards, barriers for the control of people and vehicles, and similar structures or works required in connection with the private way.
Work not permitted	D.2 Work is not permitted by Class D if – <ul style="list-style-type: none"> (a) the work or any part of the work is outside the boundaries of the private way; or (b) the land is or forms part of a LBP or pLBP or is in a CA or, in a case where the works involve excavation of ground, the land is in an AAP.
Interpretation of Class D	D.3 For the purposes of Class D “private way” means a road or footpath that is not repairable at the expense of the States or any parish.
CLASS E	
Permitted development	E.1 The creation of a new means of access or the widening of an existing means of access to a road from agricultural land.
Work not permitted	E.2 Work is not permitted by Class E if – <ul style="list-style-type: none"> (a) the land is or is within a LBP or pLBP, or in an AAP or CA; (b) the work would create an obstruction to the view of a person using a road at or near a bend, corner, junction or intersection so as to be likely to cause danger to such a person; (c) the land has any building erected on it other than a building to shelter livestock within the permitted development under Class G of this Part; (d) the work involves the construction of a driveway or any hard-surfaced area which extends more than 3 metres from the edge of the highway.
Conditions	E.3 The approval of the relevant highway authority

	<p>must have been obtained before the means of access is made or widened.</p> <p>E.4 Where an existing access is widened, any existing gateposts must be relocated either side of the widened access, and any adjoining roadside wall or banque must be reinstated.</p> <p>E.5 The access may be used only or mainly for agricultural purposes.</p> <p>E.6 Any access created must have –</p> <p>(a) a granite gatepost of not less than 90 centimetres, nor more than 100 centimetres in height, erected on each side of the access;</p> <p>(b) reinstated any adjoining roadside wall or banque.</p>
CLASS F	
Permitted development	<p>F.1 The carrying out of any of the following work to a building –</p> <p>(a) the replacement of a window or door;</p> <p>(b) the replacement of a ground floor window with a door or a ground floor door with a window;</p> <p>(c) the creation of new window and door openings on the ground floor;</p> <p>(d) the re-cladding of a roof; and</p> <p>(e) the installation of a dormer window or a skylight;</p> <p>(f) the installation of a sun-pipe;</p> <p>(g) the blocking up of a window.</p>
Work not permitted	<p>F.2 Work is not permitted by Class F if the building is or forms part of a LBP or pLBP or is in a CA, or, except where the work is the re-cladding of a roof, the work is to a principal elevation, including a shop front.</p>
Conditions	<p>F.3 Re-cladding of an existing roof shall be in natural slate or clay tiles, or in exactly the same type of material as the material it is replacing.</p> <p>F.4 Any dormer window must be installed at least 1 metre from the boundary of any adjoining property; at least 1 metre above the lower edge of the roof plane on which it is installed; at least 1 metre from the roof ridge; and at least 1 metre,</p>

	<p>when measured horizontally, from any other dormer window on the roof.</p> <p>F.5 The lowest part of the frame of any skylight must be more than 1.7 metres above the finished floor-level of the internal roof space.</p> <p>F.6 The width of any dormer window, when measured from the outer edges of its frame, must not exceed 1.2 metres.</p> <p>F.7 There must not be more than 2 dormer windows, including those to be installed, on any roof plane, and the total area of any dormer windows and skylights must not exceed 25% of the total area of the roof plane on which they are installed.</p> <p>F.8 Any glazed face of a dormer widow that faces an adjoining residential property must be situated no closer than 10 metres from the boundary of the property it faces.</p> <p>F.9 The aggregated area of any photovoltaic or water-heating solar panels or similar devices, any dormer windows and any skylights installed on a roof plane must not exceed 50% of the total area of the roof plane on which they are installed.</p> <p>F.10 Any sun-pipe must not exceed 45 centimetres in diameter, or be higher than 30 centimetres above the roof on which it is installed, measuring from the highest point at which it enters the roof.</p>
CLASS G	
Permitted development	G.1 The erection of a structure on agricultural land to shelter livestock.
Work not permitted	<p>G.2 Work is not permitted by Class G if –</p> <p>(a) the total aggregated external area of any structures erected under this Class since 1st June 2007 exceeds 50 square metres; or</p> <p>(b) the land or structure is or forms part of a LBP or pLBP, or in a case where the works involve excavation of ground, the land or structure is in an AAP.</p>
Conditions	<p>G.3 The area of any structure must not exceed 25 square metres and, where there is more than 1 structure, the aggregate area of the structures must not exceed 50 square metres.</p> <p>G.4 The structure must not exceed 3.5 metres in height</p>

	<p>above ground level.</p> <p>G.5 The structure must not be erected within 15 metres of a road or within 30 metres of a boundary with land used as a part of residential premises.</p> <p>G.6 The structure must be clad in timber which has not been coloured, or is stained in a natural timber colour.</p> <p>G.7 If the structure is removed, any hardstanding forming the base of the structure must be removed and the land restored to its former condition.</p>
CLASS H	
Permitted development	H.1 The creation of an equestrian sand school for private use on agricultural land.
Work not permitted	H.2 Work is not permitted by Class H if the land or building is or forms part of a LBP or pLBP, or, in a case where the works involve excavation of ground, the land or building is in an AAP.
Conditions	<p>H.3 The sanded area must not be used for commercial purposes.</p> <p>H.4 On sloping ground, no retaining structure may exceed 1 metre in height above ground level.</p> <p>H.5 The sand school must not exceed 800 square metres in area.</p>
CLASS I	
Permitted development	I.1 The erection of a fence on agricultural land.
Work not permitted	<p>I.2 Work is not permitted by Class I if –</p> <p>(a) the fence exceeds 1.2 metres in height; or</p> <p>(b) the land is or forms part of a LBP or pLBP, or in a case where the works involve excavation of ground, the land is in an AAP.</p>
Condition	I.3 The fence (including any gate within it) must be of timber post and rail, with or without netting.
CLASS J	
Permitted development	J.1 The use of land forming part of a public highway for al fresco eating and drinking.
Work not permitted	J.2 Work is not permitted by Class J if the work consists of the erection of any structures associated with the proposed use that would otherwise require planning permission.

Condition	J.3	The use must be in accordance with the written approval of the highway and licensing authorities.
CLASS K		
Permitted development	K.1	The carrying out of work for the maintenance or repair of a building, including the replacement of a window or door.
Work not permitted	K.2	Work, other than a minor repair, is not permitted by Class K if – <ul style="list-style-type: none"> (a) the building is or forms part of a LBP or pLPB or is in a CA; or (b) except in an emergency, the work would materially affect the external appearance of the building.
Conditions	K.3	Where the building is or is part of a LBP or pLBP the work must not result in the permanent alteration or removal of any feature that gives rise to the registration of the building as a LBP or pLBP, as the case may be.
	K.4	The work must be completed using materials of exactly the same type as they are replacing.

PART 4

THE INSTALLATION OF EQUIPMENT FOR THE GENERATION OF ELECTRICITY FROM RENEWABLE SOURCES OR FOR THE EFFICIENT USE OF ENERGY

CLASS A		
Permitted development	A.1	The installation of photovoltaic or water-heating solar panels or a similar device at ground level or on a sloping roof plane.
Work not permitted	A.2	Work is not permitted by Class A if – <ul style="list-style-type: none"> (a) the land or building where the installation is to take place is or forms part of a LBP or pLBP, or in a case where the works involve excavation of ground, the land or building is in an AAP or, in the case where the installation is to be located on a principal elevation, the building is in a CA; and (b) in the case of a photovoltaic panel, the land or building on which it is to be installed is located within an area shown hatched red on

		the map set out in the annexure to this Schedule.
Conditions	A.3	Any photovoltaic panel or solar panel attached to a sloping roof plane must project no more than 10 centimetres above the roof plane.
	A.4	Ground mounted panels must not exceed 2.5 metres in height, or 2 metres in height if they are within 1 metre of the property boundary.
	A.5	The aggregated area of any photovoltaic or water-heating solar panels or similar devices, any dormer windows and any skylights installed on a roof plane must not exceed 50% of the total area of the roof plane on which they are installed.
CLASS B		
Permitted development	B.1	The installation of a ground or air-source heating system.
Work not permitted	B.2	Work is not permitted by Class B if the installation of the system is on land or a building that is or forms part of a LBP or pLBP or, in a case where an air-pump is to be situated on a principal elevation of a building, the building is in a CA.
Conditions	B.3	The highest point of the installation must be no more than 2.5 metres above ground level.
	B.4	Noise emanating from an air pump unit must comply with the noise rating curve equivalent to the background level measured 1 metre from the boundary of the nearest residential premises. The background level is the A-weighted sound pressure level of the residual noise in decibels exceeded for 90 % of the time.
CLASS C		
Permitted development	C.1	The erection of a single wind-turbine for the generation of electricity on or within the curtilage of any building.
Work not permitted	C.2	Work is not permitted by Class C if – <ul style="list-style-type: none"> (a) the height of the top of the turbine, including the arc of the blades exceeds the height of the tallest building on the site by 2.5 metres; (b) the maximum diameter of the sweep of the turbine's blades exceeds 2.5 metres; (c) in the case of wind-turbine not attached to a building, the structure supporting the wind-turbine is less than 5 metres from the

	<p>property boundary;</p> <p>(d) a written statement has not been obtained from the Director of Civil Aviation (as defined by the Civil Aviation (Jersey) Law 2008¹¹) stating that he or she has no objection to the proposed wind turbine on the grounds of hazard to aircraft or airport operations; or</p> <p>(e) the building to which the turbine is to be attached is or forms part of a LBP or pLBP or is in a CA, or, in a case where a wind-turbine is not attached to a building, the structure supporting the turbine is or forms part of a LBP, pLBP or is in an AAP.</p>
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PART 5

DEVELOPMENT AT INDUSTRIAL OR SIMILAR PREMISES

CLASS A	
Permitted development	<p>A.1 Work carried out on industrial land for the purpose of an industrial process consisting of –</p> <p>(a) the installation of additional or replacement plant or machinery; or</p> <p>(b) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus.</p>
Work not permitted	<p>A.2 Work is not permitted by Class A if –</p> <p>(a) the land is or forms part of a LBP or pLBP, or is in an AAP and excavation is required;</p> <p>(b) the work would result in an increase of noise, smells, dust or other pollution;</p> <p>(c) any additional or replacement plant or machinery would exceed the height of existing plant or machinery or anything it replaced;</p> <p>(d) the work involves the formation or widening of a means of access to a road;</p> <p>(e) the work creates an obstruction to the view of a person using a road at or near a bend, corner, junction or intersection so as to be likely to cause danger to such a person.</p>

Interpretation of Class A	<p>A.3 For the purposes of Class A –</p> <p>“industrial land” means land used to carry out an industrial process;</p> <p>“industrial process” means any process that is necessary or incidental –</p> <p>(a) to make an article or part of an article;</p> <p>(b) to alter, repair, ornament, finish, clean, wash, pack or can, or to adapt for sale or to demolish an article.</p>
CLASS B	
Permitted development	B.1 Extensions to industrial and warehouse buildings.
Work not permitted	<p>B.2 Work is not permitted by Class B if –</p> <p>(a) the building is or forms part of a LBP or pLBP or is in a CA, or, in a case where the works involve excavation of ground, the building is in an AAP;</p> <p>(b) the building is located within any safety zone for hazardous installations in respect of Les Ruettes, St. John or La Collette, St. Helier as shown on map to the Island Plan;</p> <p>(c) the extension is to be occupied by a separate business.</p>
Conditions	<p>B.3 The extension must not exceed 5% of the area of the ground floor of the existing building.</p> <p>B.4 The highest point of the extension must not exceed the existing height of the building, nor be closer than 4 metres from any boundary of the property.</p> <p>B.5 The extension must not lead to a reduction in the amount of vehicle parking spaces available, nor restrict the access and manoeuvring of service vehicles.</p> <p>B.6 The material used for the external face of the extension must match the material used in the existing building.</p>

PART 6**DEVELOPMENT BY PROVIDERS OF PUBLIC SERVICES AND UTILITIES**

CLASS A

Permitted development	<p>A.1 The erection or construction, or the maintenance, improvement or other alteration by a public authority of –</p> <p>(a) works and equipment on land belonging to or maintained by the authority required for the purposes of a function exercised by the authority on that land; or</p> <p>(b) lamp standards, bus shelters, information kiosks, public seats, fire alarms, cycle racks, closed circuit television cameras, public drinking fountains, refuse bins or baskets, bollards, barriers for the control of people and vehicles, and similar structures or works required in connection with the operation of a public service administered by them.</p>
Work not permitted	<p>A.2 Work is not permitted by Class A if –</p> <p>(a) it involves the formation or widening of a means of access to a road;</p> <p>(b) the land is or forms part of a LBP or pLBP or, in a case where the works involve excavation of ground, the land is in an AAP.</p>
Interpretation of Class A	<p>A.3 For the purposes of Class A “public authority” includes a statutory corporation established for a public purpose, a Parish and any Minister.</p>
CLASS B	
Permitted development	<p>B.1 The carrying out by a provider of drains, gas, water or electricity to the public of work necessary to lay, place, inspect, repair or renew a drain, sewer, main, pipe, line or cable or other apparatus for the provision of a service to the public or any portion of the public.</p>
Work not permitted	<p>B.2 Work is not permitted by Class B if –</p> <p>(a) the work is to be carried out on land or a building that is or forms part of a LBP or pLBP, or is in an AAP;</p> <p>(b) in the case of the placing of new work, any of the work would, on its completion, be above ground level.</p>
Condition	<p>B.3 On completion of any work carried out underground the surface of the site must be returned to its former condition.</p>

CLASS C	
Permitted development	C.1 Within the area of a harbour administered by the Harbour Master (being the person appointed under the Harbours (Administration) (Jersey) Law 1961 ¹²), dredging, the placing of moorings (including pontoons and access ramps) and the installation of technical or security equipment necessary for the operation of the harbour.
Work not permitted	C.2 Work is not permitted by Class C if the area is or forms part of a LBP or pLBP or is or is part of in an AAP or CA.
CLASS D	
Permitted development	D.1 The excavation and construction of aprons within the boundaries of the airport and the installation within those boundaries of technical and security equipment necessary for the operation of the airport.
Work not permitted	D.2 Work is not permitted by Class D if the land or building is or forms part of a LBP or pLBP or, in a case where the works involve excavation of ground, the land is in an AAP.

PART 7**DEMOLITION**

CLASS A	
Permitted development	A.1 The demolition of – <ul style="list-style-type: none"> (a) a wall, fence, gate, or boundary enclosure; (b) a building of a temporary nature (for example, a timber shed); (c) a domestic garage or a similar minor permanent structure; (d) a building used for an agricultural purpose, including the storage of machinery or produce, or the housing of livestock; (e) a domestic or commercial glasshouse; (f) a temporary unit of staff accommodation; (g) a building, the condition of which renders

	<p>it unsafe to occupy or use;</p> <p>(h) a structure the construction of which would be permitted development by virtue of any other part of this Schedule.</p>
Work not permitted	<p>A.2 Work is not permitted by Class A if –</p> <p>(a) the structure or building to be demolished is or forms part of a LBP or pLBP or is in a CA;</p> <p>(b) the work would create a vehicular access to premises;</p> <p>(c) in the case of a wall, fence, gate, or boundary enclosure to be demolished, it is a field boundary or adjoins a road;</p> <p>(d) the building to be demolished is a permanent dwelling.</p>
Conditions	<p>A.3 If the work is the partial demolition of a building or structure, any exposed structures must be made good and decorated to match the remaining building or structure.</p> <p>A.4 If the work requires the disconnection of a mains service, the demolition must not be commenced until the Building Control Surveyor of the Minister for Planning and Environment has been consulted.</p>

PART 8

CHANGES OF USE

CLASS A	
Permitted development	<p>A.1 Development consisting of a change of use of a building from use as –</p> <p>(a) a shop for the sale of hot food for consumption off the premises; or</p> <p>(b) a building used for the letting on hire of hire vehicles (other than any external area on which hire vehicles are stored),</p> <p>to a use falling within use Class A (shops) of Schedule 2.</p>
Interpretation of Class A	<p>A.2 For the purposes of Class A –</p> <p>“hire vehicle” has the same meaning as in the</p>

		Motor Vehicle Registration (General Provisions) (Jersey) Order 1993 ¹³ .
CLASS B		
Permitted development	B.1	<p>Development consisting of a change of use from –</p> <p>Class B – food and drink to Class A – shop;</p> <p>Class C – office to Class G – social;</p> <p>Class C – office to Class K – medical and welfare;</p> <p>Class H – leisure to Class G – social;</p> <p>Class I – entertainment to Class G – social;</p> <p>Class I – entertainment to Class H – leisure;</p> <p>Class J – residential institution to Class F – accommodation;</p> <p>Class K – medical and welfare to Class C – office;</p> <p>Class K – medical and welfare to Class G – social;</p> <p>Class L – special institution to Class F – accommodation;</p> <p>Class F – accommodation to Class J – residential institution.</p>
Interpretation of Class B	B.2	For the purposes of Class B, a reference to a Class by letter is a reference to the use Class bearing that letter in Schedule 2.

SCHEDULE 2

(Article 3)

USE CLASSES**Class A – Shop**

Use for all or any of the following purposes –

- (a) for the retail sale of any goods;
- (b) as a post office;
- (c) for the sale of tickets or as a retail travel agency;
- (d) for the sale of sandwiches and other cold (but not hot) food for consumption off the premises;
- (e) as a hair or beauty salon;
- (f) as a betting office;
- (g) as an estate agency;
- (h) as a shop for the sale of financial services or advice;
- (i) as a retail pharmacy or dispensary;
- (j) for the display of goods for sale;
- (k) for the hire of domestic or personal goods or articles; and
- (l) for the reception of goods to be washed, cleaned or repaired, where the sale, display or service is to visiting members of the public.

Class B – Food and drink

Use for the sale of food or drink for consumption on the premises, including use as –

- (a) a restaurant; or
- (b) a cafeteria;

except that this class does not include use as –

- (i) a take-away;
- (ii) a public house;
- (iii) a discotheque; or
- (iv) a night-club.

Class C – Office

Use as an office for any purpose.

Class D – Agriculture

Use as a building for agricultural purposes.

Class E – Warehouse

Use as a wholesale (but not retail) warehouse or repository for any purpose except that this class does not include use as a store for agricultural purposes.

Class F – Accommodation

Use as –

- (a) a guest house;
- (b) a hotel.

Class G – Social

Use of a building for –

- (a) public worship and religious instruction;
- (b) an art gallery (other than for business purposes);
- (c) a museum;
- (d) a public library;
- (e) an exhibition hall;
- (f) a community centre or social centre;
- (g) a non-residential club.

Class H – Leisure

Use of a building for –

- (a) a skating rink;
- (b) a swimming bath;
- (c) a gymnasium.

Class I – Entertainment

Use of a building for –

- (a) a theatre;
- (b) a cinema;
- (c) a concert hall.

Class J – Residential institutions

Use as –

- (a) a home or institution providing for boarding, care and maintenance of children, old persons or persons under disability;
- (b) a convalescent home;
- (c) a nursing home;
- (d) a hospital.

Class K – Medical and welfare

Use (other than residentially) as –

- (a) a health centre;
- (b) a clinic;
- (c) a dispensary; or
- (d) a consulting room or surgery.

Class L – Special institutions

Use as a hospital, hostel or institution in which people may be detained by order of a court or may reside under a requirement of a probation or supervision order.

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- ¹ *chapter 22.550*
 - ² *chapter 22.675*
 - ³ *chapter 11.300*
 - ⁴ *chapter 05.850*
 - ⁵ *chapter 22.550*
 - ⁶ *chapter 25.550*
 - ⁷ *chapter 25.650*
 - ⁸ *R&O.105/2008 (chapter 22.550.25)*
 - ⁹ *R&O.28/2009 (chapter 22.550.25)*
 - ¹⁰ *chapter 22.550.15*
 - ¹¹ *chapter 03.530*
 - ¹² *chapter 19.060*
 - ¹³ *chapter 25.350.50*