



Jersey

## PLANNING AND BUILDING (GENERAL DEVELOPMENT) (JERSEY) ORDER 2006

### Arrangement

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Arrangement

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Jersey

## PLANNING AND BUILDING (GENERAL DEVELOPMENT) (JERSEY) ORDER 2006

*Made*

*28th June 2006*

*Coming into force*

*1st July 2006*

**THE MINISTER OF PLANNING AND ENVIRONMENT**, in pursuance of Articles 8(3)(a) and 124 of the Planning and Building (Jersey) Law 2002<sup>1</sup>, orders as follows –

### **1 Interpretation**

In this Order, unless the context otherwise requires –

“agricultural land” means land to which the Protection of Agricultural Land (Jersey) Law 1964<sup>2</sup> 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 1964<sup>3</sup>;

“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;

“dwelling-house” does not include a building containing one or more flats, or a flat contained within such a building;

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

- (a) constructed for use for the purposes of a dwelling; and
- (b) forming part of a building from some other part of which it is divided horizontally;

“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;

“habitable accommodation” means a room in a dwelling used for living, sleeping or dining, a kitchen, a study, a W.C., a bath or shower-room, or a room used for any other purpose incidental to use as a dwelling;

“guest house” means premises registered in the Guest House Register under the Tourism (Jersey) Law 1948<sup>4</sup>;

“height”, in respect of a building, means the height of the building above ground-level;

“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 2002;

“motor vehicle” has the same meaning as in the Road Traffic (Jersey) Law 1956<sup>5</sup>;

“principal elevation”, in respect of a building, means any elevation of the building that faces a road;

“protected site” means –

- (a) a site of special interest; or
- (b) a building included on a register published by the Minister of buildings of architectural, archaeological or historic interest;

“road” has the same meaning as in the Roads Administration (Jersey) Law 1960<sup>6</sup>.

## **2 Order not to apply to protected sites**

This Order does not apply in respect of a protected site.

## **3 Permitted development**

- (1) Except as otherwise provided by this Order, planning permission is hereby granted by the Minister for the classes of development described as permitted development in Schedule 1.
- (2) The permission granted by paragraph (1) is subject to any relevant exceptions, limitations or condition specified in Schedule 1.

## **4 Use classes**

- (1) Except as otherwise provided by this Order, 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.

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- (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;
    - (f) as a scrap yard, or a yard for the storage or distribution of minerals or the breaking of motor vehicles.

## **5 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 3 or 4, 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) 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).

## **6 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 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.

**7 Citation and commencement**

- (1) This Order may be cited as the Planning and Building (General Development) (Jersey) Order 2006.
- (2) It shall come into force on 1st July 2006.

**SENATOR F.E. COHEN**

*Minister for Planning and Environment*

**SCHEDULE 1**

(Article 3)

**PERMITTED DEVELOPMENT**

**PART 1**

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

<b>CLASS A</b>	
<b>Permitted development</b>	<b>A. The installation of a bathroom or water closet within the curtilage of a dwelling-house.</b>
<b>CLASS B</b>	
<b>Permitted development</b>	<p><b>B. The erection, construction or placing and the maintenance, improvement or other alteration within the curtilage of a dwelling-house of –</b></p> <p><b>(a) a structure required for a purpose (other than habitation) incidental to the enjoyment of the dwelling-house as such; or</b></p> <p><b>(b) a building or enclosure required for the keeping of domestic animals for the personal enjoyment of the occupants of the dwelling-house only.</b></p>
<b>Work not permitted</b>	<p><b>B.1 Work is not permitted by Class B if –</b></p> <p><b>(a) with the exception of flagpoles, any part of the structure, building or enclosure is in front of the building line of a principal elevation of the dwelling-house;</b></p> <p><b>(b) with the exception of flagpoles, any part of the structure, building or enclosure exceeds the maximum height as calculated in accordance with the diagram in Appendix 1 to this Schedule;</b></p> <p><b>(c) the total external area of any structure, building or enclosure erected under this Class and Class C of this Part of this Schedule since the commencement of these Regulations exceeds 20 square metres;</b></p>

	<ul style="list-style-type: none"> <li>(d) the work involves the formation, laying out or material widening of a means of access to a road;</li> <li>(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 a danger to such a person.</li> </ul>
Condition	<p>B.2 The structure, building or enclosure must not be used for a commercial purpose or for human habitation.</p> <p>B.3 In the case 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 2006<sup>7</sup>.</p>
<b>CLASS C</b>	
Permitted developments	<p><b>C. The erection, construction or placing and the maintenance, improvement or other alteration within the curtilage of a dwelling-house of –</b></p> <ul style="list-style-type: none"> <li><b>(a) a conservatory or an extension to the house;</b></li> <li><b>(b) the replacement of a window with a door;</b></li> <li><b>(c) the replacement of a door with a window;</b></li> <li><b>(d) the creation of new window and door openings.</b></li> </ul>
Work not permitted	<p>C.1 Work is not permitted by Class C if –</p> <ul style="list-style-type: none"> <li>(a) any part of the conservatory or extension is in front of the building line of a principal elevation of the dwelling-house;</li> <li>(b) the interior of a conservatory or extension is not accessible from the interior of the dwelling-house;</li> <li>(c) with the exception of flagpoles, any part of the conservatory or extension exceeds the maximum height as calculated in accordance with the diagram in Appendix 2 to this Schedule;</li> <li>(d) the total external area of any buildings under this Class and Class B of this Part of this Schedule since the commencement of these Regulations exceeds 20 square</li> </ul>



	<p>metres;</p> <p>(e) the work involves the formation, laying out or material 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 a danger to such a person;</p> <p>(g) in the case of the replacement of windows and doors, and the creation of new window or door openings –</p> <p>(i) the alteration results in a material change in the appearance of the building, or</p> <p>(ii) the alteration occurs above the ground floor.</p>
Conditions	C.2 The conservatory or extension must not be used for a commercial purpose or as a separate unit of accommodation.
<b>CLASS D</b>	
<b>Permitted development</b>	<b>D. 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.</b>
Work not permitted	<p>D.1 Work is not permitted by Class D if –</p> <p>(a) in the case of the erection, construction or alteration of a gate, fence, wall or other means of enclosure –</p> <p>(i) abutting on, and within 2 metres of a road - its highest point will be more than 90 centimetres above the level of the road, or</p> <p>(ii) in any other case – its highest point will be more than 2 metres above ground level on either side;</p> <p>(b) the work involves the formation, laying out or widening of a means of access to a road where the access will be more than 1 metre wide;</p> <p>(c) 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</p>

	likely to cause a danger to such a person.
<b>CLASS E</b>	
<b>Permitted development</b>	<b>E. The excavation, levelling or metalling within the curtilage of a dwelling-house of a driveway, turning area or car park, or the creation of a patio, pathway, decked area or other hardstanding.</b>
Work not permitted	E.1 Work is not permitted by Class E if – <ul style="list-style-type: none"> <li>(a) it exceeds 40 centimetres in height above existing ground level;</li> <li>(b) the work involves the formation, laying out or material widening of a means of access to a road;</li> <li>(c) 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 a danger to such a person;</li> <li>(d) the work would discharge surface water onto a road adjoining the property and the approval of any highway authority to the discharge has not been obtained.</li> </ul>
<b>CLASS F</b>	
<b>Permitted development</b>	<b>F. 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.</b>
Work not permitted	F.1 Development is not permitted by Class F if – <ul style="list-style-type: none"> <li>(a) any part of the development is in front of the building line of the principal elevation of the dwelling-house;</li> <li>(b) the capacity of the tank exceeds 3,500 litres;</li> <li>(c) the height of the tank exceeds 2.25 metres above ground level;</li> <li>(d) the work involves the formation, laying out or material widening of a means of access to a road;</li> <li>(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</li> </ul>

	likely to cause a danger to such a person.
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**PART 2**

**REPAIRS, MAINTENANCE AND TEMPORARY OR MINOR WORKS**

<b>CLASS A</b>	
<b>Permitted development</b>	<b>A. The painting of the exterior, or any part of the exterior of a building or other structure.</b>
Interpretation of Class A	A.1 For the purpose of Class A “painting” includes any application of, or material change of, colour.
<b>CLASS B</b>	
<b>Permitted development</b>	<b>B. The erection, construction or placing and the maintenance, improvement or other alteration of television, radio or other antennae.</b>
Work not permitted	B.1 Development is not permitted by Class B if – <ul style="list-style-type: none"> <li>(a) in the case of satellite antennae, the diameter exceeds 60 centimetres;</li> <li>(b) the antenna is visible from a road.</li> </ul>
<b>CLASS C</b>	
<b>Permitted development</b>	<b>C. The provision on land of a building, movable structure, work, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or adjoining land.</b>
Work not permitted	C.1 Work is not permitted by Class C if – <ul style="list-style-type: none"> <li>(a) permission is required for the operations that are to be carried out but has not been granted by the Minister;</li> <li>(b) the work involves the formation, laying out or material widening of a means of access to a road;</li> <li>(c) 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 a danger to such a person.</li> </ul>
Conditions	C.2 If the building or movable structure is to be used for habitation or is to contain sanitation facilities permission must have been obtained under the Building Bye-laws.

	<p>C.3 When the operations have been carried out –</p> <ul style="list-style-type: none"> <li>(a) any building, movable structure, work, plant or machinery permitted by Class C is removed;</li> <li>(b) any adjoining 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.</li> </ul>
<b>CLASS D</b>	
<b>Permitted development</b>	<p><b>D. Work carried out on industrial land for the purpose of an industrial process consisting of –</b></p> <ul style="list-style-type: none"> <li><b>(a) the installation of additional or replacement plant or machinery; or</b></li> <li><b>(b) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus.</b></li> </ul>
Work not permitted	<p>D.1 Work is not permitted by Class D if –</p> <ul style="list-style-type: none"> <li>(a) it would materially affect the external appearance of the premises of the undertaking concerned;</li> <li>(b) it would result in an increase of noise, smells, dust or other pollution;</li> <li>(c) any additional or replacement plant or machinery would exceed the height of existing plant or machinery or anything it replaced;</li> <li>(d) the work involves the formation, laying out or material widening of a means of access to a road;</li> <li>(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 a danger to such a person.</li> </ul>
Interpretation of Class D	<p>D.2 For the purposes of Class D –</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> <ul style="list-style-type: none"> <li>(a) to make an article or part of an article;</li> <li>(b) to alter, repair, ornament, finish, clean,</li> </ul>

	wash, pack or can, or to adapt for sale or to demolish an article.
<b>CLASS E</b>	
<b>Permitted development</b>	<b>E. The carrying out of work required for the maintenance of a private way.</b>
Work not permitted	E.1 Work is not permitted by Class E if the work or any part of the work is outside the boundaries of the way.
Interpretation of Class E	E.2 For the purposes of Class E “private way” means a road or footpath that is not repairable at the expense of the States or any parish.
<b>CLASS F</b>	
<b>Permitted development</b>	<b>F. The creation of a new means of access or the widening of an existing means of access to a road from agricultural land.</b>
Work not permitted	F.1 Work is not permitted by Class F –  (a) if it 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;  (b) unless the access is to be used solely or mainly for agricultural purposes.
Condition	F.2 The approval of the relevant highway authority must have been obtained before the means of access is made or widened.
<b>CLASS G</b>	
<b>Permitted development</b>	<b>G. The carrying out of work for the maintenance or repair of a building.</b>
Work not permitted	G.1 Work is not permitted by Class G, except in an emergency, if the work would materially affect the external appearance of the building.

**PART 3**

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

<b>CLASS A</b>	
<b>Permitted development</b>	<b>A. The erection or construction, or the maintenance, improvement or other alteration by a public or parochial authority of –</b>

	<p>(a) <b>temporary 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</b></p> <p>(b) <b>lamp columns and luminaires, 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.</b></p>
Work not permitted	<p>A.1 Work is not permitted by Class A if –</p> <p>(a) it involves the formation, laying out or material widening of a means of access to a road; or</p> <p>(b) in the case of an item referred to in paragraph (b) of the Class, it is not of a type previously approved for the purpose by the Minister.</p>
Interpretation of Class A	<p>A.2 For the purposes of Class A –</p> <p>“public authority” includes a statutory corporation established for a public purpose and any Minister.</p>
<b>CLASS B</b>	
Permitted development	<p><b>B. The carrying out by a highway authority of work required for the maintenance or improvement of a road repairable at the expense of the highway authority.</b></p>
Work not permitted	<p>B.1 Work is not permitted by Class B if the work or any part of it is outside the existing boundaries of the road.</p>
<b>CLASS C</b>	
Permitted development	<p>C. The carrying out by a provider of sewerage, gas, water or electricity to the public of work necessary to lay, place, inspect, repair or renew a 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>C.1 Work is not permitted by Class C if, in the case of the placing of new work, any of the work would on its completion be above ground level.</p>

Condition	C.2 On completion of any work carried out underground the surface of the site is returned to its former condition.
<b>CLASS D</b>	
Permitted development	<b>D. The installation within the area of a harbour administered by the Minister for Economic Development of technical equipment necessary for the operation of the harbour.</b>
<b>CLASS E</b>	
Permitted development	<b>E. The excavation and construction of aprons within the boundaries of the airport and the installation within those boundaries of equipment necessary for the operation of the technical services of the airport.</b>

**PART 4**

**DEMOLITION**

<b>CLASS A</b>	
Permitted development	<p><b>A. The demolition of –</b></p> <ul style="list-style-type: none"> <li><b>(a) a wall, fence, gate, or boundary enclosure;</b></li> <li><b>(b) a building of an impermanent nature (for example, a timber shed);</b></li> <li><b>(c) a domestic garage or a similar minor permanent structure;</b></li> <li><b>(d) a structure the construction of which would be Permitted development by virtue of Part 1 of this Schedule (a structure within the curtilage of a dwelling-house);</b></li> <li><b>(e) a building used for an agricultural purpose, including the storage of machinery or produce, and the housing of livestock;</b></li> <li><b>(f) a domestic or commercial glasshouse;</b></li> <li><b>(g) a temporary unit of staff accommodation.</b></li> </ul>

Work not permitted	<p>A.1 Work is not permitted by Class A if –</p> <ul style="list-style-type: none"> <li>(a) the work would create a vehicular access to premises;</li> <li>(b) in the case of a wall, fence, gate, or boundary enclosure to be demolished, it is a field boundary or adjoins a road;</li> <li>(c) the building to be demolished is a permanent dwelling.</li> </ul>
Conditions	<p>A2 If the work is the partial demolition of a building or structure, that any exposed structures are made good and decorated to match the remains of the building or structure;</p> <p>A3 If the work requires the disconnection of a mains service, that the demolition is not started until the Building Control Surveyor of the Minister for Planning and Environment has been consulted.</p>

**PART 5**

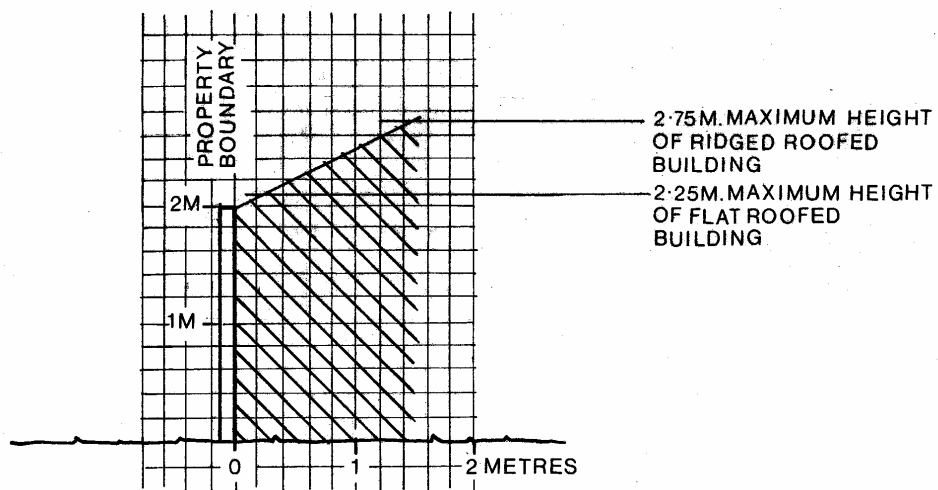
**CHANGES OF USE**

<b>CLASS A</b>	
Permitted development	<p><b>A. Development consisting of a change of use of a building from use as –</b></p> <ul style="list-style-type: none"> <li><b>(a) a shop for the sale of hot food for consumption off the premises;</b></li> <li><b>(b) a building used by a person registered under the Hire Cars (Jersey) Law 1964<sup>8</sup>, for the letting on hire of motor vehicles licensed under that Law (other than any area on which cars are stored),</b></li> </ul> <p><b>to a use falling within use Class A (shops) of Schedule 2.</b></p>
<b>CLASS B</b>	
Permitted development	<p><b>B. Work that consists of a change of the use of land within the curtilage of a dwelling-house from a use incidental to the enjoyment of the dwelling-house to another use incidental to that enjoyment.</b></p>



APPENDIX 1

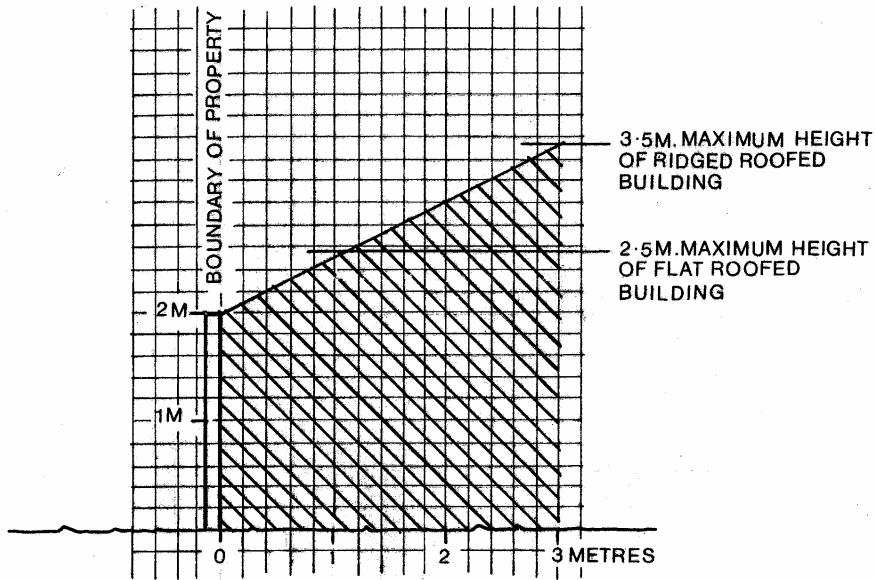
NON-HABITABLE ACCOMMODATION AND OTHER STRUCTURES



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APPENDIX 2

HABITABLE ACCOMMODATION



Vertical cross section

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**SCHEDULE 2**

(Article 4)

**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) a store for motor vehicles in respect of which there is or will be in force a licence under the Hire Cars (Jersey) Law 1964;
- (b) 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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- <sup>1</sup> *L.36/2002*
  - <sup>2</sup> *chapter 22.675*
  - <sup>3</sup> *chapter 11.300*
  - <sup>4</sup> *chapter 05.850*
  - <sup>5</sup> *chapter 25.550*
  - <sup>6</sup> *chapter 25.650*
  - <sup>7</sup> *R&O.68/2006*
  - <sup>8</sup> *L.21/1964*