

# DOMESTIC PERMITTED DEVELOPMENT

## IMPORTANT NOTES

### About this guide

- This guide has been produced to assist with general queries on what can be erected within the curtilage of a dwelling house, without the need for planning permission. Its purpose is to provide you with an informal interpretation of the Planning and Building (General Development) (Jersey) Order 2008, as amended. It should not be relied on as a legally binding interpretation of the Law.

### What can I do?

- Under the Planning and Building (General Development) (Jersey) Order 2008, you can carry out the work shown on the diagram **within the curtilage of a dwelling house** without the need for planning permission, provided that the conditions set out are met.

### What is a 'curtilage'?

- Domestic curtilage is the area of land on which a dwelling house sits which is used for residential purposes. It typically includes a vehicular access/drive, plus any pathways and gardens immediately next to the property. For most modern houses, the curtilage is easily defined by the boundary walls, fences or hedges which surround the property. However, older houses, often in rural areas, have less easily defined domestic boundaries and you may need some advice on this point. This is important because the allowances within the Law **only apply to works carried out within the domestic curtilage** and not, for example, to a field or other open land next to a house, even if it is in the same ownership.

### Exceptions

- Although permission is not normally required for the works we have listed on the diagram, there are a few exceptions. For instance, you will need planning permission if your Permitted Development Rights have been removed by a condition on a previous Planning Permit. This only relates to dwellings built in the last 30 years or so.
- Also, if your property is registered on the Minister's *Register of Buildings and*

*Sites of Architectural, Archaeological and Historical Importance in Jersey*, then the allowances listed here may not apply. A building may be listed as a

Building of Local Interest (BLI)  
Proposed Site of Special Interest (pSSI)  
Site of Special Interest (SSI)  
An Area of Archaeological Potential (AAP)  
Archaeological Site (AS)  
Historic Character Area (HCA)

If you are unsure whether your property is listed you can search the Register on our web site at [www.gov.je/Planning](http://www.gov.je/Planning) or contact the Planning and Environment Department.

- Permission will also be required** if any of the works involve:
  - the alteration of a building that is not a house (flats are not considered to be a house);
  - the formation or alteration of a vehicular access to a public road;
  - the creation of an obstacle to a view of a public road or near a bend, corner or junction that would result in danger.

### Be careful

- This guide only refers to the need for Planning Permission and does not include any information on Building Bye Laws. Building Permission may be required for development that does not require Planning Permission. Please contact the Building Control section on +44 (0) 1534 445508 for further information.

### Contact us

- If, after reading this leaflet, you are still unsure about Domestic Permitted Development, please complete the self-assessment Questionnaire (available at our web site [www.gov.je/Planning](http://www.gov.je/Planning) or our Reception at South Hill, St Helier JE2 4US).

### Advice Note: 11

## DOMESTIC PERMITTED DEVELOPMENT

### WHAT CAN I DO WITHOUT PLANNING PERMISSION?

#### About Supplementary Planning Guidance

The Minister may publish guidelines and policies (supplementary planning guidance) in respect of; development generally; any class of development; the development of any area of land; or the development of a specified site.

Supplementary planning guidance is intended to assist in dealing with development control considerations, ranging from the Minister's approach to policy considerations under the Island Plan, to guidance on how to make planning applications. Supplementary planning guidance is issued in three different forms.

**1. Policy Notes:** Policy notes build on the provisions of the Planning and Building (Jersey) Law 2002 and the policies in the Island Plan 2002.

Policy notes do not replace the law and do not have the same status as the policies in the Island Plan, which remains the first consideration when making decisions on development proposals. They will, however, be a material consideration in the determination of planning applications and can be given substantial weight.

**2. Advice Notes:** Advice notes provide detailed advice about the ways in which the provisions of the law and Island Plan policies are likely to be interpreted and applied by the Minister.

**3. Practice Notes:** Practice notes aim to provide information about how the planning system's protocols and procedures operate.

The current supplementary planning guidance is listed and can be viewed on the States of Jersey website [www.gov.je/PlanningEnvironment/Planning](http://www.gov.je/PlanningEnvironment/Planning). Documents which pre-date electronic production will be added to the website for viewing or downloading following review, as appropriate. Hard copies of all supplementary planning guidance can be obtained from Planning and Building Services, Planning and Environment Department, South Hill, St Helier, JE2 4US. Telephone: 01534 445508 email: [planning@gov.je](mailto:planning@gov.je)

## DOMESTIC PERMITTED DEVELOPMENT

Although permission is not normally required for the works we have listed within this leaflet, there are a few exceptions. For instance, you will need planning permission if your Permitted Development Rights have been removed by a condition on a previous Planning Permit. This only relates to dwellings built in the last 30 years or so. Also, if your property is registered on the Minister's *Register of Buildings and Sites of Architectural, Archaeological and Historical Importance in Jersey*, then some of the allowances listed here do not apply. Please read the guidance notes on the back of this leaflet for further information on registered properties and other important advice on exceptions.

### TANK FOR STORAGE OF LIQUID OR GASEOUS FUEL

Tanks are exempt from planning permission provided that they are not placed in front of a principal elevation\* of the house and do not exceed 3,500 litres in capacity. They must be no higher than 2.25m above ground level.

### GEO-THERMAL HEATING SYSTEMS

All geo-thermal heating systems are exempt from planning permission provided that the property is not listed as a Site of Special Interest, an Archaeological Site or an area of Archaeological importance.

### PRIVATE ROADS

Private roads can be maintained without consent. In addition seats, lamps, cycle racks, bins, bollards and CCTV can be erected on or in a private road without the need for consent.

### SATELLITE AND TV ANTENNAE

You are able to erect a satellite or TV antennae within the curtilage of the dwelling house provided that the diameter of the dish does not exceed 600mm. Large amateur radio antennae usually require consent.

### SWIMMING POOLS

Domestic swimming pools are exempt from planning permission provided that there are no retaining structures around the pool that are higher than 1 metre above ground level and the pool is not situated in front of a principal elevation\* of the house.

### FENCES, WALLS AND GATES

You are able to erect any fence, wall or gate provided that the structure does not exceed 2 metres in height from ground level on either side. However where the structure is within 2 metres of a road, the maximum height allowable reduces to 900mm.

### PHOTO-VOLTAIC OR WATER HEATING SOLAR PANELS

Solar Panels are permitted at ground level, up to 2.5m high but the maximum height allowable reduces to 2 metres if the panels are within 60cm of the boundary. Solar Panels on a sloping roof can cover up to 50% of each side of the roof but must not project more than 10cm above the surface of the roof. Your property must be outside the designated area shown in the General Development (Jersey) Order 2008 – Call the department on 445508 to check if you are unsure.

### REPLACEMENT WINDOWS AND NEW WINDOW / DOOR OPENINGS

Planning permission is always required for roof lights and windows at first floor level. However at ground floor level only, you are able to replace a door with a window, replace a window with a door, and/or introduce a new window or door without permission.

### DEMOLITION

Planning permission is not required to demolish a wall, fence or gate unless it adjoins a road. Similarly, no application is required to remove a shed, domestic glasshouse or even a garage. Furthermore, no consent is required to demolish any of the structures listed within this leaflet for which a planning application has not been necessary. However you must not demolish a dwelling without permission nor any listed structure. When demolition is complete any exposed structures or walls must be made good and should be safe. If the demolition requires the disconnection of mains services you must contact the building control section first – tel: 445508.

### PAINTING

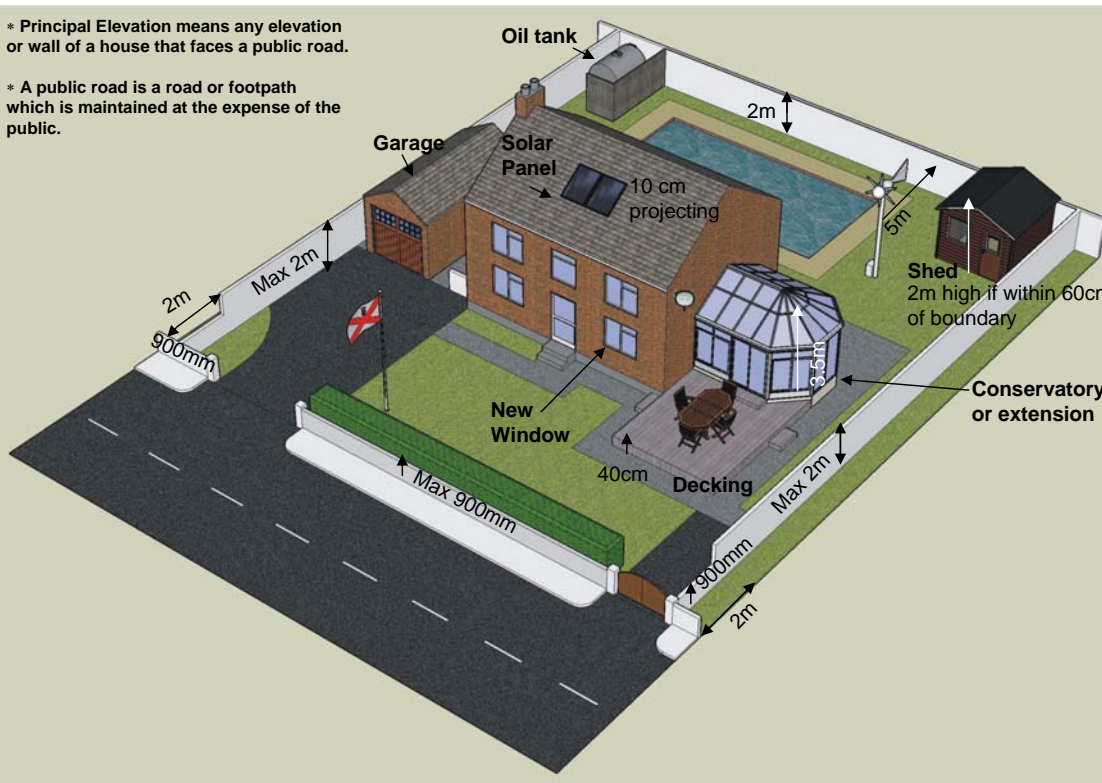
Any building or other structure may be painted without planning permission with the exception of listed buildings which have not been previously painted.

### ELECTRICITY GENERATING WIND TURBINE

Turbines must not be any more than 2 metres higher than the tallest building on the property (including the arc of the blades) The maximum diameter of the turbine's blade sweep must not exceed 1.75m. Prior to the erection of any turbine, householders must obtain a written statement from Jersey Airport stating that they have no objection to it. Free standing turbines must not be erected within 5 metres of property boundary.

### MAINTENANCE AND REPAIR

Buildings and structures may be routinely repaired and maintained, provided that the work does not materially affect their external appearance. (For example, patching render or re-pointing granite walls would constitute a non-material change, but changing the roof tiles from clay to slate tiles would be a material change). For listed buildings, only minor repairs are permitted without an application. These must not affect the special interest for which the building has been protected and must be carried out only in the exact materials which already exist on the building. Nothing may be removed or replaced on a listed building.



### SHEDS, GREENHOUSES, GARAGES AND EXTENSIONS

Permission is not required for such structures provided that the external area of all structures, erected since 1<sup>st</sup> June 2007, is no greater than 25sq m **in total**. For example, you cannot build a 25 sq. m. shed and a 25 sq. m. extension, but you may build a 10 sq. m. shed and a 15 sq. m. extension provided that the structure is not in front of a principal elevation\* of the house. Other conditions are that if the structure is detached from the house, it must not be used for commercial or habitable space. If the structure is attached to the house, it must not be a separate residential unit and must be accessible from within the dwelling. The height of a structure must not exceed: 3.5 m if the roof is pitched, 2.5 m if the roof is flat, or 2 m if it is within 60cm of an adjoining property boundary.

### HARDSURFACING, PAVING, DECKS, PATIOS

Hardsurfacing, paving, decks and patios do not require planning permission provided that they are set less than 40cm above ground level. They must not result in the discharge of water onto a road unless permission from the Highway Authority has been received.

### FLAGPOLES

Freestanding flagpoles can be erected anywhere within the curtilage of the dwelling house without permission, provided that they do not display an advertisement, company name or logo.