

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Change of use of self catering accommodation (use class 8) to a dwelling (residential use class 1).

LOCATION: La Gallie, Rue De La Gallie, St. Pierre Du Bois.

APPLICANT: Mr & Mrs N Paluch

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 27/09/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/08/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Application Ref: FULL/2021/1580

Property Ref: F014230000

Conditions and reasons:-

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such

shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

Expiry Date: This permission will cease to have effect on 26/09/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service

PLANNING APPLICATION REPORT

Application No: FULL/2021/1580
Property Ref: F014230000
Valid date: 04/08/2021
Location: La Gallie Rue De La Gallie St. Pierre Du Bois Guernsey GY7 9ED
Proposal: Change of use of self catering accommodation (use class 8) to a dwelling (residential use class 1).
Applicant: Mr & Mrs N Paluch

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

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Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

OFFICER'S REPORT

Brief Description of the site:

The property known as Primrose Cottage is a small two bed cottage within the curtilage of La Gallie. It was converted into a self-contained unit of visitor accommodation in 2005. The cottage sits facing north in the south end of the site and has a large amount of land laid to lawn to the south east. It has its own gravelled parking area to the front accessed by the shared driveway with La Gallie. There is one other small two bed unit within La Gallie's domestic curtilage. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

08/07/21 - FULL/2021/1064 - Permit for change of use of agricultural land to domestic garden (2,100 sq.m.) (retrospective).

17/10/06 - PAPP/2006/2379 - Permit for alterations to barn to provide unit of self-catering accommodation.

Existing Use(s):

Residential use class 8: non-serviced visitor accommodation.

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

OC1: Housing Outside of the Centres

OC8(C): Visitor Accommodation Outside of the Centres – Change of Use

GP8: Design

GP16(A): Conversion of Redundant Buildings

Conclusion/Brief comment:

This application is for a change of use from visitor accommodation (use class 8) to a local market residential dwelling (use class 1). There will be no physical changes to the property or associated land.

OC8(C) states that the change of use of existing visitor accommodation to a non-visitor accommodation use Outside of the Centres will be supported where the

establishment comprises a single dwelling house with less than 3 self-catering units attached to it. In this case there are less than 3 self-catering units within the domestic curtilage of Le Gallie, therefore the proposed change of use is within the remit of being supported by OC8(C).

Policy OC1 provides for new residential development Outside of the Centres only where this is created through the subdivision of an existing dwelling or the conversion of a redundant building in accordance with Policy GP16(A).

The cottage has not been inhabited since 2019, pre-Covid, but until that point the building was being occupied by visitors. The owners are of retirement age and no longer wish to run a self-catering business. Furthermore, it is evident from the pre-facing text to Policy OC8(C) that there is not a requirement for the retention of self-catering units in these circumstances.

Le Gallie comprises the main house and two cottages, the first cottage is located to the south of the main dwelling with the driveway between, the driveway then heads past the first cottage to the second cottage (Primrose Cottage) toward the south end of the site. Expectation is that the cottage would revert back to form part of the main house, but it is located further away from the main house and therefore can be considered redundant at this point.

Generally, for policy GP16(A) a structural engineers report is usually required to demonstrate that the building is of sound and substantial construction. However, the building was occupied by visitors until 2019 and has been maintained and remains in a condition suitable for its previous known use. It is fair to conclude that the building is of sound and substantial construction and is capable of being used as a permanent dwelling and a proportionate approach can therefore be taken and it is concluded that a structural report is not required in this particular instance. No external alterations are proposed, and the building can therefore be converted without extensive alteration furthermore the proposal would not have any unacceptable impacts on the character and appearance of the area or on neighbour amenity and satisfies GP16(A) in this respect.

The cottage is well designed and is above the minimum floor area for a two bed dwelling (just over 45sqm). No alterations are required to return the unit into a residential dwelling. Although there would be a shared vehicular access from the road, there is adequate parking, a turning circle and amenity space provided close to the house and there would be no impingement on the amenity of the existing dwelling at the site, or that of neighbouring properties.

There is an existing access from the road south of the cottage, which could in the future be used as separate access to the property.

Due to the nature and type of development, it is not considered necessary for the applicant to demonstrate that the proposal has been designed to take into account the criteria of Policy GP9 (Sustainable Development).

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

Recommendation:

Grant with Conditions



Date: 23/09/2021

