

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: Extend and alter domestic outbuilding to create self-catering visitor accommodation (Visitor Economy Use Class 8)

LOCATION: Le Brisot, Rue De La Porte, Castel.

APPLICANT: Mr & Mrs P Thome

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: 18/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/08/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: G.E.Le Friec drawing no: 2113/2

Application Ref: FULL/2021/1951

Property Ref: D010060000

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.

4.The self-catering unit hereby permitted shall only be operated by the occupier of the associated dwelling (Le Brisot).

Reason : The separate operation of the self catering unit would be unsatisfactory due to its close proximity to and dependence on the amenities of the existing dwelling-house.

5.Should the visitor accommodation use hereby approved cease to operate or no longer be required, the building to which this permission relates shall revert back to domestic use ancillary and incidental to the main dwellinghouse on the site within Residential Use Class 1 of the Land Planning and Development (Use Classes) Ordinance, 2017 or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - To prevent the occupiers of the property requiring a separate grant of planning permission to revert the use back to Residential Use Class 1 and to ensure the visitor self-catering unit does not become severed from the premises as a separate independent unit of accommodation which could undermine the spatial aims and objectives of the Island Development Plan.

Expiry Date: This permission will cease to have effect on 17/11/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the conversion of the detached outbuilding to serve as a self-catering unit. It does not permit the creation of an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

Please ensure that you notify the Planning Service in writing of the date on which the change of use takes place. Once the change has been made the property will be classified as shown above. Failure to notify the Planning Service as required may lead to delay in any future property search or use class enquiry resulting from incorrect classification of the property.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the local Strategy for Nature and the need to comply with their provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. Measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

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/2021/1951
Property Ref: D010060000
Valid date: 31/08/2021
Location: Le Brisot Rue De La Porte Castel Guernsey GY5 7JR
Proposal: Extend and alter domestic outbuilding to create self-catering visitor accommodation (Visitor Economy Use Class 8)

Applicant: Mr & Mrs P Thoume

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.

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.

4. The self-catering unit hereby permitted shall only be operated by the occupier of the associated dwelling (Le Brisot).

Reason : The separate operation of the self catering unit would be unsatisfactory due to its close proximity to and dependence on the amenities of the existing dwelling-house.

5. Should the visitor accommodation use hereby approved cease to operate or no longer be required, the building to which this permission relates shall revert back to domestic use ancillary and incidental to the main dwellinghouse on the site within Residential Use Class 1 of the Land Planning and Development (Use Classes) Ordinance, 2017 or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - To prevent the occupiers of the property requiring a separate grant of planning permission to revert the use back to Residential Use Class 1 and to ensure the visitor self-catering unit does not become severed from the premises as a separate independent unit of accommodation which could undermine the spatial aims and objectives of the Island Development Plan.

INFORMATIVES

For the avoidance of doubt, this decision permits the conversion of the detached outbuilding to serve as a self-catering unit. It does not permit the creation of an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

Please ensure that you notify the Planning Service in writing of the date on which the change of use takes place. Once the change has been made the property will be classified as shown above. Failure to notify the Planning Service as required may lead to delay in any future property search or use class enquiry resulting from incorrect classification of the property.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the local Strategy for Nature and the need to comply with their provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. Measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

OFFICER'S REPORT

Brief Description of the site:

"Le Brisot" comprises a traditional detached 1.5 storey dwelling-house and detached outbuilding, located to the north of the site. The outbuilding is bounded by a pedestrian footpath to the north. The application site is located Outside of the Centres and within a Conservation Area and Agriculture Priority Area as defined in the Island Development Plan.

This application proposes the extension and alteration of the outbuilding to enable its use as a unit of self-catering visitor accommodation.

The outbuilding and extension will serve as a lounge/dining area, kitchenette, showerroom and bedroom. The proposed extension is to be located to the south of the outbuilding.

Relevant History:

FULL/2018/2386	Extend and alter store (south side) and install rooflights (north side).	Granted
FULL/2015/2299	Extend and alter store (south side) and install rooflights (north side).	Granted
FULL/2015/0398	Renovation of existing store including installing new pitched roof with rooflight, new glazed gable on west elevation, new external staircase to first floor and double doors at ground floor level on south elevation.	Refused

Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation

☒
☒
☒
☒

accords with policy

within curtilage

design acceptable

visual amenity acceptable

no material neighbour impact

traffic not affected

☒
☒
☒

Policies considered most relevant:

Policy OC8 (A) Visitor Accommodation Outside of the Centres – New, Extension, Alteration or Redevelopment of Existing Uses.

Policy GP4 Conservation Areas.

Policy GP8 Design.

Policy GP9 Sustainable Development.

Comments:

La Societe Guernesiaise

“In respect of this application, we would like to highlight that buildings of this type can be used by roosting bats. This likelihood can increase when the property is located within a variable landscape with habitats such as large gardens or woodland nearby.

We would recommend that the buildings be inspected for current or recent use by bats or other wildlife by a suitably qualified person prior to any demolition or building works. This would reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. It would also be beneficial to include suitable measures to support roosting bats and nesting birds within the development proposal.

We would request that, if this application is approved, an informative note be added to the Information Sheet as follows -

‘Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the local Strategy for Nature and the need to comply with their provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. Measures may therefore need to be taken (including consideration of the timing of the works and provision to support wildlife in the long term incorporated into the development) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email jamie.hooper@cwqsy.net’.

Conclusion/Brief comment:

Policy OC8(A) supports new visitor accommodation Outside of the Centres where it is created through change of use of existing buildings or conversion of redundant buildings and where proposals accord with all other relevant policies of the Island Development Plan.

In this case, and for the avoidance of any doubt, the proposal involves the change of use of an existing building, and not a redundant building.

The policy also supports proposals where:

“a. the development is of a scale that is appropriate to the character of the location, is undertaken sensitively and so as not to detract from the openness and landscape character of the locality and does not undermine the vitality of a Centre; and,

b. any additional facilities are ancillary or ordinarily incidental to the principal use as visitor accommodation in terms of scale and use, are proportionate to the amount of visitor accommodation available at the site and would not have an adverse effect on the visual quality and landscape character of the location”.

The scale of the alterations to the outbuilding together with the glazed extension to the south is considered to be appropriate to the character of the location.

The extension forms a ‘lightweight’ addition to the outbuilding and is located away from the pedestrian footpath, set within the site. Therefore, the proposal is not considered to detract from the openness and landscape character of the locality or the character of the Conservation Area within which the site is located.

A single unit of self-catering accommodation would have no significant effect on any Main or Local Centre, and would not undermine the vitality of any Centre. It is considered reasonable to attach a condition to the decision to enable the visitor accommodation to revert to residential use class 1 without the need for a separate grant of planning permission should the visitor accommodation use cease or no longer be required to serve that purpose.

Criterion ‘b’ is not relevant to the assessment of this application given that no additional ancillary or incidental facilities are proposed as part of the visitor accommodation.

There will be no adverse effect on the amenities of neighbouring residents.

Policy GP9 requires proposals for new development, and refurbishment, extension and alteration of existing buildings to demonstrate that they have been designed to take account of energy and resources, paying particular attention to Sustainable Development and Waste Management matters. Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

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.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 19/10/21

