

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 2 self-catering units (use class 8) to 2 dwellings (residential use class 1).

LOCATION: Carteret Farm Holiday Cottages, Carteret Farm, Route De Carteret, Castel.

APPLICANT: Mr & Mrs C Patch

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: 22/06/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Torode Architecture: 6222-01A & 02B.

Application Ref: FULL/2021/2078

Property Ref: D015380000

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. No dwelling hereby permitted shall be occupied until the boundary treatment to the gardens of units 1 and 2 have been completed and the vehicular access to the agricultural land in the north boundary of unit 2 has been blocked up in accordance with drawing number 6222-02B.

Reason - To make sure that the provision of private amenity space for the dwellings takes the form agreed by the Authority in the interests of the amenities of future occupiers of the dwellings and to prevent the encroachment of domestic uses onto the adjoining agricultural land.

Expiry Date: This permission will cease to have effect on 21/06/2025 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/2021/2078
Property Ref: D015380000
Valid date: 16/09/2021
Location: Carteret Farm Holiday Cottages Carteret Farm Route De Carteret Castel Guernsey GY5 7YY
Proposal: Change of use of 2 self-catering units (use class 8) to 2 dwellings (residential use class 1).
Applicant: Mr & Mrs C Patch

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).

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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.

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with drawing number 6222-02B.

Reason - To make sure that the provision of private amenity space for the dwellings takes the form agreed by the Authority in the interests of the amenities of future occupiers of the dwellings and to prevent the encroachment of domestic uses onto the adjoining agricultural land.

OFFICER'S REPORT

Site Description:

The site comprises of a semi-detached cottage fronting onto the highway with a detached 1½ storey outbuilding situated to the rear (north) of the adjoining neighbouring flats. Agricultural land to the north and east is also under the applicant's ownership.

The outbuilding, the subject of this application, is used as two self-catering units and is U-shaped enclosing a small courtyard (facing west). There is an existing driveway running to the west. To the east is the garden, including a swimming pool of the existing dwelling. A high stone wall and fencing marks the boundary with the open land to the north. The outbuilding is faced in stone with brickwork detailing and the roof is clad in pantiles. The western boundary is marked by a high wall and substantial planting.

The site is located Outside of the Centres.

Relevant History:

13/07/2021 – PREA/2021/1331 – Pre-application regarding change of use from self-catering units to residential housing.

19/04/2010 – FULL/2009/3600 – Permission granted for the change of use and alteration of stable block to two tourist self-catering units.

Existing Use(s):

Visitor Economy Use Class 8: non-serviced visitor accommodation

Brief Description of Development:

Planning permission is requested to change the use of 2 self-catering units (Visitor Accommodation Use Class 8) into 2 independent one bedroom dwellings (Residential Use Class 1). Parking would be provided along the west boundary with one dedicated parking space per dwelling and one shared visitor parking space. Gates in the north boundary providing vehicular access to the adjoining agricultural land are proposed to be removed, the opening is to be blocked up and gardens are proposed to be

created for both of the dwellings through the installation of 1.8m high timber fencing.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

Policy OC1: Housing Outside of the Centres

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

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP16(A): Conversion of Redundant Buildings

Policy IP6: Transport infrastructure and support facilities

Policy IP7: Private and Communal Car Parking

Representations:

None

Consultations:

None

Summary of Issues:

1. Whether the principle of the loss of the visitor accommodation is acceptable.
2. Whether the principle of new housing is acceptable.
3. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.
4. The impact of the development on the amenity of people living in the area.

Assessment against:

1 - Purposes of the law.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

3 - General material considerations set out in the General Provisions Ordinance.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposed loss of visitor accommodation would principally be considered under Policy OC8(C). The preceding explanation to Policy OC8 sets out that previously there has been a process of rationalisation of the Island's stock of visitor accommodation which has been successful in stimulating investment and establishing a sustainable level of accommodation. However, in order to ensure that the Island retains a sufficient level of accommodation to support the visitor economy, to meet forecast demand and to ensure a range of types of accommodation, there will be a need to resist the further loss of visitor accommodation establishments other than in exceptional circumstances or where the operation of an establishment is not financially viable.

There is an exception to the above approach under Policy OC8(C) for small self-catering units (less than 3 self-catering units) or guest accommodation (less than 6 bed spaces) establishments that have been created within a dwelling or within the curtilage of a dwelling and where the entire site is capable of being converted back to a single dwelling. The intention of this exception is to prevent operators of small visitor accommodation businesses from having to leave their home when the business ceases to operate.

The application relates to a small self-catering unit (in that there are less than 3 self-catering units on the site) however the proposal would not result in the outbuilding being converted back to form part of a single dwelling but would instead provide 2 additional self-contained dwellings. As a result, the proposal does not fully meet the exception to Policy OC8(C). However, the agent has made a written request for the application to be considered as a minor departure from Policy OC8(C).

The loss of the 2 self-catering units would have a negligible effect on the Island's overall stock of visitor accommodation. If the building was converted to a domestic outbuilding, the accommodation provided would be disproportionately large compared to the existing dwelling and the existing dwelling already benefits from a detached garage. As a result, it could be argued that the proposed use as 2 independent dwellings would be a more effective and efficient use of the building. On balance, it is recommended that the loss of the existing visitor accommodation is supported as a minor departure from the exceptions part of Policy OC8(C).

The site is located Outside of the Centres as defined in the Island Development Plan. Opportunities for new housing in such areas are limited to the subdivision of existing dwellings or the conversion of redundant buildings (Policy OC1). The erection of new build housing is not permitted. In principle, Policy OC1 makes provision for the conversion of redundant buildings Outside of the Centres where the development accords with Policy GP16(A).

Although the building could technically still be used as a self-catering units, as set out above, Policy OC8(C) supports the loss of small self-catering units (less than 3 self-catering units) establishments and it is agreed that the proposal can be considered as a minor departure from the exceptions part of Policy OC8(C). On this basis it has been demonstrated that the building is no longer required as self-catering units. The building is in good condition, no changes are proposed and there is no reason to suggest that the building is not of sound and substantial construction and capable of conversion to a residential use. There are no protected buildings within the immediate vicinity and the existing building has no particular architectural merit. The agent has submitted revised plans to confirm that the existing rooflights in the rear (east) roof slope have a cill height of 1.8m and on this basis the rooflights would not result in a significant loss of privacy for the existing dwelling. The use of the site as 2 residential dwellings would be similar in nature to its existing use as self-catering units and would have no adverse effects on the character and openness of the

landscape or the amenities of neighbouring residents. The conversion of the site to 2 residential dwellings accords with Policy GP16(A).

The proposed dwellings include adequate amenity space for one bedroom dwellings. The internal accommodation exceeds minimum space standards and would provide adequate privacy and daylight. The dwellings include bathroom facilities at ground floor level and the layout of the accommodation is flexible and adaptable, in accordance with Policy GP8. The proposal would provide a satisfactory living environment for the occupiers of the dwellings.

The on-site parking provision is adequate for the size of the dwellings in this location. Secure bicycle storage is provided within enclosures and these enclosures could be covered if required by the future occupants. The car and bicycle parking provision is adequate for this Outside of Centres location and it accords with Policies IP6, IP7 and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance

An agricultural access is proposed to be blocked up in the north boundary to create the gardens for the dwellings but vehicular access to the agricultural land would be retained to the south-east of the existing dwelling.

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.

It is recommended that the application is approved.

Date: 22/06/2022

