

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: Erect barn and glasshouse and create gated field entrance to north boundary.

LOCATION: Oban, Rue Du Pre Bourdon, St. Saviour.

APPLICANT: Mr & Mrs M Webster

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: 28/02/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room - 234 D22A, D23A, D24A, D25A & D29.

Application Ref: FULL/2021/2149

Property Ref: E01026A000

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 27/02/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed outbuilding or barn, however named, to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

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/2021/2149
Property Ref: E01026A000
Valid date: 19/10/2021
Location: Oban Rue Du Pre Bourdon St. Saviour Guernsey GY7 9JS
Proposal: Erect barn and glasshouse and create gated field entrance to north boundary.

Applicant: Mr & Mrs M Webster

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.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed outbuilding or barn, however named, to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Oban' comprises a detached bungalow, which sits on a corner plot with Rue de la Terre Norgiot running along the east boundary and Rue du Pre Bourdon running along the south boundary. The property is served by two access points.

There is a large detached residential dwelling to the west and open fields to the north. The property is located Outside of the Centres and is within the Agriculture Priority Area as defined in the Island Development Plan.

Planning permission was granted in 2021 (FULL/2021/0351) to substantially alter and extend the dwelling in order to create first floor accommodation together with alterations to the boundary treatment. The boundary treatment to the north includes the squaring-off of the domestic curtilage as part of a separate permission FULL/2020/2496.

Planning permission is now sought to erect a detached outbuilding to serve as a maintenance store/barn serving the agricultural field to the north. The application also includes creating a small opening in the approved earthbank for ease of access of agricultural equipment as set out in the agent's letter of 16th September 2021.

Relevant History:

FULL/2021/0351	Demolish extensions, raise roof ridge height, extend and alter at ground and 1st floor level, remove hedge, infill existing vehicular accesses, erect wall and create new vehicular access to south boundary.	Granted
FULL/2020/2496	Change of use of agricultural land to domestic garden (184sqm). Alter, extend and replace earthbanks and create new field access.	Granted

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:

GP1 Landscape Character and Open Land
GP8 Design
GP9 Sustainable Development
GP13 Householder Development
OC5(A) Agriculture Outside of the Centres – within the Agriculture Priority Areas

Conclusion/Brief comment:

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.

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Areas, Areas of Biodiversity Importance, protected buildings or protected monuments.

The proposed outbuilding achieves a good standard of design (Policy GP8) in terms of its scale, mass, form and materials, and is subservient to the approved dwelling (FULL/2021/0351).

Whilst the outbuilding will be sited in close proximity Rue de la Terre Norgiot thereby altering the built form of the application site, the degree of harm is considered to be limited when taking into account the quality of the proposed outbuilding which will be 'read' in context with the approved dwelling in the background. It is also not uncommon in the surrounding area that similar size ancillary structures have been positioned adjacent to the road, particularly to the west of Rue du Pre Bourdon.

Furthermore, any potential impact on visual amenity will be limited due to the position of the roadside hedge which will help to assimilate the development into its surroundings.

Due to the orientation and relationship to neighbouring properties, the proposed development will not affect the amenities of neighbouring residents.

The creation of a gateway in order to access the agricultural land to the north is acceptable as this will have a limited effect on the landscape character of the area, especially as this earthbank is to be realigned as part of permission FULL/2020/2496.

Consequently, the impact on the character of the area, visual amenity and neighbour amenity will not be so substantial warrant grounds for refusal.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

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: 23/02/22