

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 self-catering unit to north-west of site.

LOCATION: L'Epine, Rue Du Chardronnet, Vale.

APPLICANT: Mr N Inder

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: 02/03/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/02/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arctech drawing no: NI-21-01-A

Application Ref: FULL/2022/0160

Property Ref: C000690000

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 (Visitor Economy Use Class 8) hereby permitted shall only be operated by the occupier of the associated dwelling (L'Epine) to which it is attached.

Reason - The operation of the business, the self catering unit, in isolation from the occupation of the associated dwellinghouse would result in an unsatisfactory relationship, affect the amenity of the dwellinghouse and require consideration of separate policy issues.

5. The development hereby approved shall be used only for Visitor Economy Use Class 8 and for no other purpose 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 - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

Expiry Date: This permission will cease to have effect on 01/03/2025 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/2022/0160
Property Ref: C000690000
Valid date: 01/02/2022
Location: L'Epine Rue Du Chardonnet Vale Guernsey GY3 5BN
Proposal: Erect self-catering unit to north-west of site.
Applicant: Mr N Inder

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.

4. The self-catering unit (Visitor Economy Use Class 8) hereby permitted shall only be operated by the occupier of the associated dwelling (L'Epine) to which it is attached.

Reason - The operation of the business, the self catering unit, in isolation from the occupation of the associated dwellinghouse would result in an unsatisfactory

relationship, affect the amenity of the dwellinghouse and require consideration of separate policy issues.

5. The development hereby approved shall be used only for Visitor Economy Use Class 8 and for no other purpose 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 - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

OFFICER'S REPORT

Brief Description of the site:

The application site is recognised as a dwelling within Residential use class 1 along with two units used for visitor accommodation under Visitor Economy use class 8. One unit is attached to the dwelling-house whilst the second comprises of a detached outbuilding within the curtilage. Within the curtilage are other domestic features such as a timber shed, parking and ornate pond. The garden is domestically landscaped.

The application site falls within a Conservation Area and is Outside of the Centres defined within the Island Development Plan.

Relevant History:

2015 – Permission with conditions was given for part of the house to be converted to a self-catering facility. The use was implemented

2018 – Permission with conditions was given for the erection of an outbuilding for use as a self-catering unit. The permission was implemented.

2020 – pre-application in relation to the erection of a further outbuilding for use as self-catering accommodation.

Existing Use(s):

Dwelling - Residential use class 1
2 self-catering units - Visitor Economy use class 8

Assessment: *(Tick as appropriate)*

no representation
accords with policy

x
x

visual amenity acceptable
no material neighbour impact

x
x

within curtilage
design acceptable

x
x

traffic not affected

x

Policies considered most relevant:

OC8(A)	Visitor Accommodation Outside of the Centres – New, Extension, Alteration or Redevelopment of existing uses
GP4	Conservation Areas
GP8	Design
GP9	Sustainable Development.
IP7	Private and Communal Car Parking; and
IP9	Highway Safety, Accessibility and Capacity.

Conclusion/Brief comment:

Planning permission has previously been granted for the creation of two self-catering units at this site, in 2015 and 2018, with conditions attached to both permissions stating that the units should be operated by the occupier of the dwelling-house, and that the units shall only be used for self-catering purposes.

As part of the current application the applicant's agent has submitted a supporting statement in relation to the erection of a 3rd unit on site noting that it would provide much needed visitor accommodation, that the same principles applied to the 2018 permission are still relevant to this application, that the use of the site would remain primarily domestic under residential use class 1 and that the applicant would be willing to accept the same conditions previously applied.

Policy OC8(A) relates to new, extension, alteration or redevelopment of existing visitor accommodation uses Outside of the Centres. Whilst this policy does not support the creation of new units outside of the centres, it does support the extension of existing visitor accommodation uses. Given the scale of the proposal and that it will be used for a purpose incidental or ordinarily ancillary to the existing self-catering establishment, for the purpose of Policy OC8(A) the proposal will form an extension to the existing use. Furthermore, the principal use of the site will remain as residential. Suitable conditions should be applied to regulate the use as previously.

In relation to the impacts of the proposal on amenity, both visual and residential, and the impacts on the Conservation Area as considered under Policies GP4 and GP8, the unit will be situated to the rear of the existing dwelling house and other detached unit. Situated along the eastern boundary of the property a 1.8m high close boarded timber panel fence exists which would screen the development from the neighbouring property in this direction, and a new screen hedging is also proposed.

To the west lies a large span of glass house, this boundary is formed by an earth bank and hedging is also proposed on top of this boundary. Although there is an existing

fence in situ in some historical photos dividing the land and a fence is indicated on both the approved 2018 plan and shown on the current plan, as previously noted there are no defined designated areas of amenity for the different uses. Given the orientation of the unit proposed, distance from the other units and its purpose there is no concern over inter-relationships within the site. The construction of the proposed unit will be of a high-quality design and there would be no impacts on neighbours or the Conservation Area arising from the development.

Parking provision is available within the site and bicycle parking is also provided within the site area. The existing access would be utilised and the level of motorised and non-motorised parking along with the access to it is considered acceptable and appropriate.

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.

The application for the reasons above accords with the relevant policies and it is recommended that planning permission be granted.

Recommendation:

Grant with Conditions



Date: 28 February 2022

