

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 outbuilding of dwelling to treatment rooms (residential use class 5). Erect single storey extension to south-east (side) elevation and erect single storey outbuilding to north-east boundary.

LOCATION: Strathyrn, Houmet Lane, Vale.

APPLICANT: Mr & Mrs A Le Moigne

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: 15/03/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/02/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arctech Freelance Architecture - ALM-22-1055-02A & -03.

Application Ref: FULL/2022/0170

Property Ref: C02554A000

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. This permission relates to the use of this dwelling for the home based business specified in the application, in accordance with the provisions of Residential use class 5 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. On the cessation of any professional or business purposes in accordance with this use class, the dwelling shall revert to use as a single dwellinghouse, as defined in 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 allow return to use as a single dwellinghouse without the need for a further grant of planning permission.

5. In terms of the hours of use and numbers of clients per day, the home-based Beauty Treatment business hereby permitted shall only operate in accordance with the information submitted as part of this planning application.

Reason - To ensure the activity remains low intensity thus protecting the amenities of the nearby residents.

Expiry Date: This permission will cease to have effect on 14/03/2025 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/2022/0170
Property Ref: C02554A000
Valid date: 03/02/2022
Location: Strathyrn Houmet Lane Vale Guernsey GY6 8JG
Proposal: Change of use of outbuilding of dwelling to treatment rooms (residential use class 5). Erect single storey extension to south-east (side) elevation and erect single storey outbuilding to north-east boundary.
Applicant: Mr & Mrs A Le Moigne

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. This permission relates to the use of this dwelling for the home based business specified in the application, in accordance with the provisions of Residential use class

5 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. On the cessation of any professional or business purposes in accordance with this use class, the dwelling shall revert to use as a single dwellinghouse, as defined in 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 allow return to use as a single dwellinghouse without the need for a further grant of planning permission.

5. In terms of the hours of use and numbers of clients per day, the home-based Beauty Treatment business hereby permitted shall only operate in accordance with the information submitted as part of this planning application.

Reason - To ensure the activity remains low intensity thus protecting the amenities of the nearby residents.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Strathryn' is a one and a half storey mid-20th century detached dwelling which is set back from, at a lower ground level, and faces south onto Houmet Lane. There are neighbouring properties to the east, west and north. The property to the north shares the same driveway which runs along the western boundary. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2017/3169 - Raise ridge height and install dormer windows and rooflights to front and rear of property and erect porch to front (south) elevation – Approved January 2018.

Existing Use(s):

Residential use class 1: dwelling house.

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:

GP8: Design
GP9: Sustainable Development
GP13: Householder Development
GP14: Home Based Employment
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

This application proposes to erect a single storey extension to the southeast elevation, comprising a store. The existing garden shed will be demolished and removed and a single storey outbuilding to the northeast corner of the garden will be constructed, and will be used as a home business for beauty treatment rooms (residential use class 5).

Policy GP8 expects proposals to achieve a high standard of design which respects and where possible enhances the character of the environment. GP13 supports householder development where there are no significant adverse effects on the amenities of neighbouring properties or the character of the locality. Both policies provide for a high degree of personal choice on design matters in less sensitive areas (outside of Conservation Areas and not affecting the setting of protected buildings).

The southeast single storey extension is an external space for storage, the scale and massing of the extension is not considered to have a detrimental effect on the character and amenity of the surrounding area, nor will it have any impacts on any of the immediate neighbours.

The new 5m x 10m single storey flat roof treatment room will be located at the rear of the property, to the northeast corner of the site, clients will access through a gate at the north end of the fence which runs along the east side of the shared driveway. The structure will house a beauty treatment business. It is not considered to impact upon the character of the area, nor will it have any detrimental effects on the neighbours' amenity.

Policy GP14 supports the operation of small-scale home businesses outside the Main and Local Centres as long as it will not have an adverse impact on neighbouring properties or the surrounding area as a result in increased activity and disturbance. Home-based working typically employs a low number of people, have a low intensity use, do not require a significant level of support services and are of a scale and form which do not detract from the character of the surroundings.

In this case the principal use of the site will clearly remain for residential use by the occupier. The opening hours of the business have been specified as 9am-5pm Monday to Friday only. The maximum number of clients in one day would be 6, there

would only be one/two at a time, and they would arrive by car. It would be reasonable to impose a condition restricting operation of the business only in accordance with these details.

This business is run by one of the homeowners, employs one part time member of staff (14hrs per week), is considered to represent a low intensity use and does not require any support services. The scale and form of the outbuilding in which the business will take place is considered appropriate for the area and is not considered to detract from the character of the area.

The site has sufficient space for client and residents parking, and the low intensity nature of the proposed business leads to the conclusion that there would not be any materially significant increase in the volume of vehicle movements, therefore there is no concerns with highway safety or capacity.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

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: 10/03/2022

