

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 Self Catering Unit (Use Class 8) to a dwelling (Use Class 1).

LOCATION: Whitcombe, Le Mont Durand, St. Martin.

APPLICANT: Mr M Nutley

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: 27/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Block Layout Plan and 1:50 floor plan

Application Ref: FULL/2022/0423

Property Ref: J01533A000

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 26/05/2025 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/2022/0423
Property Ref: J01533A000
Valid date: 22/03/2022
Location: Whitcombe Le Mont Durand St. Martin Guernsey GY4 6DJ
Proposal: Change of Use of Self Catering Unit (Use Class 8) to a dwelling (Use Class 1).
Applicant: Mr M Nutley

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.

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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.

OFFICER'S REPORT

Brief Description of the site:

Whitcombe is a detached dwelling facing east and set back from Le Mont Durand. A detached outbuilding situated to the southeast of Whitcombe is currently recognised as a unit of self-catering accommodation. Hardstanding for parking and turning for the house and holiday accommodation is situated to the west and south of the dwelling. The gardens serving the site are to the south and include pedestrian access to 2 Whitcombe (a unit of residential accommodation), to the east.

The application relates to the change of use of the self-catering unit to a self-contained unit of residential accommodation containing two bedrooms. Following the deferral of the application revised plans were submitted to show pedestrian access to the outbuilding that is the subject of this application and the neighbouring flat. Clarification was provided regarding the attached store and its use in connection with the proposed unit of residential accommodation. Whilst the site remains in single ownership the store would be used by the occupiers of Whitcombe but space would be made available for a tenant to use the space for cycle storage if necessary. Attention was drawn to the fact no designated store was a requirement for the formation of a flat at 2 Le Vier Cottage.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

PAPP/2007/3425 - Change of use from self catering to residential accommodation - refused

2 Le Vier Cottage

FULL/2019/2331 - Change of use of self catering unit (use class 8) to form residential flat (use class 2) (retrospective) – granted

Existing Use(s):

01 dwellinghouse

08 self-catering visitor accommodation

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:

Island Development Plan policies:

OC1: Housing Outside of the Centres

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

GP8: Design

IP6: Transport infrastructure and support facilities

IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

Policy OC8(C) sets out that there is support for the change of use or redevelopment of existing visitor accommodation to another use where the establishment comprises a single dwellinghouse with less than 3 self-catering units within its domestic curtilage. The principle of the change of use proposed is therefore considered acceptable.

Paragraph 17.7.9 states that in order to ensure that the Island retains a sufficient level of accommodation to support the visitor economy, meet forecast demand and 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 operation of an establishment is not financially viable.

Paragraph 17.7.12 however, states that exceptions to this are small self-catering units or guest accommodation 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. Support will be given to these proposals providing they accord with all the other relevant policies of the Island Development Plan. The intention of this policy is to prevent operators of small visitor accommodation businesses from having to leave their home when the business ceases to operate.

Policy OC1 makes provision for new dwellings Outside of the Centres only where it is achieved through the subdivision of an existing dwelling (which this is not) or the conversion of an existing redundant building. The application confirms that the premises ceased to operate as self-catering unit around 2004. This application therefore seeks planning permission to change the use of the building from self-catering accommodation (use class 8) to a residential dwelling-house (residential use class 1).

The unit in question comprises a single self-catering unit situated within the curtilage of an adjacent residential unit, Whitcombe. The premises has not been used for visitor accommodation for circa 18 years and the visitor accommodation use of the site has therefore ceased to operate.

In this instance the unit the subject of this application is within the curtilage of an existing residential dwelling and the proposal would therefore comply with the spirit of Policy OC8(C) which clearly supports the loss of such small visitor accommodation by allowing it to revert to form part of the main dwelling. Although the proposal by not reverting to a single residential dwelling will in part deviate from Policy OC8(C).

If the self-catering unit were to revert back to form part of the main dwelling there is a clear gateway through Policy OC1 to allow the creation of an additional residential unit to achieve the same outcome at this site. This would involve reverting the outbuilding to ancillary accommodation with a subsequent planning application to form an independent dwelling adjacent to Whitcombe.

Given the particular circumstances pertaining this case, and in particular that the self catering unit is within the curtilage of a dwelling and that the previous visitor accommodation use was small scale that ceased circa 13 years ago (and therefore only in part deviates from Policy OC8(C)), it would be unreasonable to request that the property reverts to a single residential dwelling and to request a subsequent application to subdivide the dwelling to achieve the same outcome for which permission is sought.

In this case therefore, the proposal would not undermine the requirement to ensure that the Island retains a sufficient level of accommodation to support the visitor economy, meet forecast demand and ensure a range of types of visitor accommodation. The proposal is therefore within the spirit/aims of Policy OC8(C) and would not set an unwanted precedent. It is considered therefore that the requested minor departure to Policy OC8(C) is warranted, justified and accepted in this case.

The principle of the development is therefore supported provided that the proposal complies with all other relevant policies of the IDP.

Although some concerns exist regarding a lack of private amenity space to serve the residential unit it is also acknowledged that the space is currently shared with the adjacent flat. This area could be subdivided with hedges or fencing (subject to permission) to provide more defined amenity space should the two sites no longer remain in family ownership. The space is sufficient to offer adequate external amenity space for the existing flat and proposed dwelling in line with the aims of Policy GP8

The level of accommodation provided for within the unit is acceptable and will offer a good standard of living accommodation. The existing building will offer future occupiers adequate sunlight and daylight, is on a single level for accessibility arrangements and could be adapted in future through internal alteration or extension.

No external alterations are proposed and the development would not overshadow adjoining dwellings. The development does not cause any undue harm on the

amenities of occupiers of the nearby residential properties. Although there are windows (bedroom, bathroom and kitchen) in the rear elevation of the building facing east the potential overlooking from these can be managed through exempt boundary treatment or other boundary landscaping.

A private off road car parking space has been allocated to the unit which is accessed via an existing vehicle access point onto Le Mont Durand to the west. Any traffic movements associated with the development would not cause harm to highway safety. The store which forms part of this building has been indicated to be shared between Whitcombe and the proposed dwelling whilst the site remains in single ownership and offers a place for the sheltered and secure storage of cycles offering occupiers the opportunity to travel by alternative modes of transport.

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.

For the reasons contained within this report it is considered that the proposal accords with the above-mentioned Policies of the Island Development Plan.

Recommendation:

Grant with Conditions



Date: 25 May 2022

