

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 shed with adjoining greenhouse and erect shed to north of site (part retrospective).

LOCATION: Chateau Le Pham, Camp De L'Eglise, St. Saviour.

APPLICANT: Ms T Pham

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: 18/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Soup Architects: 407_0750 (P3).

Application Ref: FULL/2022/0496

Property Ref: E006720000

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 17/05/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed garden shed/greenhouse 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/2022/0496
Property Ref: E006720000
Valid date: 01/04/2022
Location: Chateau Le Pham Camp De L'Eglise St. Saviour Guernsey GY7 9FG
Proposal: Erect shed with adjoining greenhouse and erect shed to north of site (part retrospective).

Applicant: Ms T Pham

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 garden shed/greenhouse 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 'Chateau Le Pham' is a large detached mid-20th century two storey dwelling which has been extended several times over the years. The dwelling sits in the middle of the east side of the site with two existing sheds in the northwest corner. The vehicle entrance is from the northeast and the drive runs along inside the north boundary. Camp de L'Eglise road runs along the east and south boundaries and there are other residential dwellings to the west, one across the road to the southeast and some to the northeast. To the south and north are open agricultural fields. The property is located Outside of the Centres and within the Agriculture Priority Area as defined in the Island Development Plan.

Relevant History:

FULL/2021/2063 - Change of use of agricultural land to domestic garden (2,173sqm). (retrospective) – Approved 02/11/21

FULL/2022/0819 - Extend and alter at ground, 1st floor and create accommodation at 2nd floor level of dwelling. Erect 2 storey detached garage/office/gym to south-east boundary. Install swimming pool, gate to existing access and create additional vehicle access - Pending.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This is a part retrospective application for a 4m x 3m shed (already built) adjacent to the existing block shed in the northwest corner of the site and to erect a new shed with adjoining greenhouse (9m x 4m) to the southeast of the other shed.

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

GP8 – Design

GP13 – Householder Development

Representations:

There has been one letter of representation and the planning issues are:

- There are concerns that the new shed/greenhouse will be converted at a later stage.
- The neighbour to the west has an approximate 1.2m lower ground level, and there are concerns that any large planting along the west boundary would block their light.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

The retrospective part of the application is the erection of a 4m x 3m timber shed close to the existing block built outbuilding. The shed is positioned where a previous single storey building sat, the shed is smaller and therefore the character of the area is unlikely to be altered. The shed is set away from the property boundaries and there are no impacts on neighbour amenity. The timber shed is considered appropriate in this location.

The other part of the application is for the construction of a half shed, half greenhouse structure with a pitched roof. The new structure will be 11m from the boundary with the western neighbour, and is approx. 4m high at the ridge, which means there is little opportunity for over-shadowing, and the structure would not impact on neighbour amenity.

The property has very high boundary hedges along the southern and eastern boundaries, which prevents the proposed structure being seen from public vantage points. The proposed structure is to be located within the domestic curtilage and is not considered to affect the character of the area.

The structures can be used for purposes ancillary to the main house only, and it would be unreasonable to limit the use further. An informative will be added to the decision to clarify the authorised use.

Due to the nature and type of development, it is not considered necessary for the applicant to demonstrate that the proposal has been designed to take into account the criteria of Policy GP9 (Sustainable Development).

Planting within domestic curtilage does not comprise development under the Land Planning and Development (Guernsey) Law, 2005 and is not subject to control by the Authority.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

For the reasons set out within this report, it is recommended that planning permission be granted, subject to conditions.

Date: 16/05/2022

