

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/shed (Residential Use Class 1) to bike repair workshop (Residential Use Class 5).

LOCATION: Brandywell Cottage, Le Douit Chalets, Rue Du Douit, Castel.

APPLICANT: Mr G Robert

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: 08/07/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan and annotated photograph (date stamped received 29th March 2022).

Application Ref: FULL/2022/0788

Property Ref: D001810007

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 use hereby approved shall not be carried on otherwise than in strict accordance with the details set out in the letter of application dated 7th March 2022 and e-mail of 20th June 2022, and within the terms of Residential Use Class 5 of the Land Planning and Development (Use Classes) Ordinance, 2017, or of any provision equivalent to that Use Class in any Ordinance replacing or re-enacting that Ordinance.

Reason - The permission is limited to use within Residential Use Class 5 and subject to such restriction can be met on site without unacceptable harm to other interests.

5.Notwithstanding the information submitted, the business shall not operate outside the hours of 17:00-20:00 Monday to Friday as set out in the letter of 7th March 2022 or 09:00-12:00 on Saturdays, and shall not operate at any time on Sundays or Public Holidays.

Reason - The site is adjacent to residential properties and neighbouring gardens and a limit on the use is needed to prevent a nuisance or annoyance to adjoining residents.

Expiry Date: This permission will cease to have effect on 07/07/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission does not relate to the display of any sign or advertisements. A separate permission will be needed for any such display.

Please note that the decision to grant planning permission is based on the information contained in the applicant's letter dated 7th March 2022. This indicates that your proposal involves home working and thus falls within Residential use class 5 of the Land Planning and Development (Use Classes) Ordinance, 2017.

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/2022/0788
Property Ref: D001810007
Valid date: 29/03/2022
Location: Brandywell Cottage Le Douit Chalets Rue Du Douit Castel
Guernsey
Proposal: Change of Use of outbuilding/shed (Residential Use Class 1) to
bike repair workshop (Residential Use Class 5).
Applicant: Mr G Robert

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.

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Reason - The site is adjacent to residential properties and neighbouring gardens and a limit on the use is needed to prevent a nuisance or annoyance to adjoining residents.

INFORMATIVES

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OFFICER'S REPORT

Brief Description of the site:

The application site comprises a dwelling-house located within Le Douit Chalets complex. The property is located to the west of the through-road, with a detached raised garden to the east, served by a set of steps. It is understood that two allocated parking spaces are located near the entrance of the site.

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

Planning permission is sought to change the use of the dwelling from residential use class 1 to use part of the premises for homebased employment (residential use class

5). The proposed business seeks to serve and repair bicycles within an existing shed (log cabin) to the east of the raised garden.

The applicant has submitted a supporting letter (dated 7th March 2022) as part of the application which states that:

- The hours of operations will be between 17:00-20:00 (Monday to Friday), with occasional work at the weekend.
- Noise will be minimal as the work involved requires the use of hand tools.
- It is intended to stagger the drop off/pick up times to ensure that there are only 1-2 customers at any one time.
- It is intended to utilise the allocated parking provision at the entrance of the Le Douit Chalets.
- It is likely that a high percentage of customers would be cycling to and from the application site, or have their bicycles collected and dropped off to their respective properties.
- The work will be carried out by the homeowner.

The applicant has also provided further information (dated 20th June 2022) which states that:

- It is intended that there will be approximately 4 customers per week.
- The hand tools used are Allen keys, spanners, screwdrivers, hammer, tyre levelers and spoke keys.
- It is intended to stagger customers who drive and will occupy one of the spaces, or find nearby public parking if the spaces are unavailable.

Relevant History:

None germane to this application.

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:

GP14 Home Based Employment

Conclusion/Brief comment:

With regards to Policy GP14 (Home Based Employment), the IDP generally supports the use of part of a dwelling, or the conversion or erection of a building within the curtilage of a dwelling, for the purpose of a business carried out by the occupier will generally be supported where: the principal use of the site will clearly remain residential use by the occupier, the use will not lead to any unacceptable detrimental impacts on the amenity of the area or the amenities of nearby residents, and the proposal accords with all other relevant policies.

Based on the information submitted as part of the application, the applicant has satisfactorily demonstrated that the proposal represents a small-scale, low intensity homebased business and will be operational by the homeowner who lives at the property. It is also apparent that the principal use of the site will remain residential use.

It is likely that the expected number of clients per week can be accommodated by the parking provision available on site based on the limited number of customers.

The impact of the business is unlikely to lead to an unacceptable impact on the character of the area or residential amenity as a result of increased activity, disturbance or noise, based on the information submitted as part of this application. It is however reasonable and necessary to restrict the use of the business at weekends in the interests of residential amenity due to limit the effect on neighbour amenity based via vehicular movements to and from the premises. The applicant is in agreement with restricted hours on Saturdays (09:00-12:00) in the interest of protecting neighbour amenity. Should there be any change to the hours of operation this is likely to require a variation of a condition.

There are no external alterations proposed as part of this application therefore 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).

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.

On this basis, the application is 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: 08/07/22

