

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Change of use of ground floor room (residential use class 1) for cosmetic tattooing business (residential use class 5).

LOCATION: 6 Clos Des Jardinieres, Rue Des Pointues Rocques, St. Sampson.

APPLICANT: Ms S Levrier

I refer to the application referred to below received as valid on 18/05/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 19/08/2022

Drawing Nos: Block plan and hand drawn plan (both dated 18/05/2022)

Application Ref: FULL/2022/0883

Property Ref: B00758A006

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The dwelling subject of this application is not the home of the business operator. Policy GP14: Home Based Employment states that home-based employment for small office-based businesses and other small-scale businesses are to be carried out by the occupier of the property concerned. The application therefore does not comply with Policy GP14: Home Based Employment, of the adopted Island Development Plan
2. The proposed use for a cosmetic tattooing business is a new comparison retail use which cannot be supported within the Main Centre Outer Area by virtue of Policy MC7: Retail in Main Centre Outer Areas, of the adopted Island Development Plan.

OTHER REMARKS:-**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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/0883
Property Ref: B00758A006
Valid date: 18/05/2022
Location: 6 Clos Des Jardinieres Rue Des Pointues Rocques St. Sampson
Guernsey GY2 4HW
Proposal: Change of use of ground floor room (residential use class 1) for
cosmetic tattooing business (residential use class 5).
Applicant: Ms S Levrier

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The dwelling subject of this application is not the home of the business operator. Policy GP14: Home Based Employment states that home-based employment for small office-based businesses and other small-scale businesses are to be carried out by the occupier of the property concerned. The application therefore does not comply with Policy GP14: Home Based Employment, of the adopted Island Development Plan
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OFFICER'S REPORT

Site Description:

The property known as '6 Clos des Jardinieres' is a two storey dwelling with an attached garage on the north elevation, which in turn is attached to the neighbours garage. The dwelling is one of four around the Clos. The dwelling is set back from the clos and faces east, there are neighbouring properties in each direction. The property is located within the St Sampson Main Centre Outer Area and within a Conservation Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is for a change of use of a ground floor room (residential use class 1) for a cosmetic tattooing business (residential use class 5).

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

MC7: Retail in Main Centre Outer Areas

GP4: Conservation Areas

GP8: Design

GP13: Householder Development

GP14: Home Based Employment

Representations:

There has been one letter of representation and the main concern is the amount of additional traffic the business will create, and that the property has too many cars already, causing clients to park on the road and blocking the turning point of the Clos.

Consultations:

Office of Environmental Health and Pollution Regulation – The business is registered with the OEHPR and an inspection was carried out in January. I do not wish to raise any objection to the proposals.

Summary of Issues:

- Principle of development
- 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 proposed use is for cosmetic tattooing, which is a form of retail trade or business, thus Policy MC7 is relevant to this application. The business would be considered as comparison retail within the Use Classes Ordinance and the Island Development Plan. Policy MC7 states that proposals for the creation of new comparison retail outlets will not be supported. In order to maintain and enhance the vitality of retail provision within the Main Centres and the Core Retail Areas retail provision around the Main Centres

must be carefully managed. In this respect new comparison retail will be directed to the Main Centres and will not be supported within the Main Centre Outer Areas.

Policy GP14 clearly states that home-based employment for small office-based businesses and other small-scale businesses are to be carried out by the occupier of the property.

Working from home can reduce the demand for additional business accommodation, allows people to start up a business at their home with very little initial outlay in premises costs, provides flexibility for workers and lessens the need to travel to the principal workplace. It is therefore a good example of sustainable development and will be encouraged where it will not have an adverse impact on neighbouring residents or the surrounding area as a result of increased activity and disturbance.

In this instance the room for the business is not within the home of the business owner, but it is within a relative's home. This means that for the business to run the owners and clients will have to commute to the space, which defeats the purpose of supporting home-based employment and could cause traffic issues with more than one car arriving per appointment.

With the principle of development not supportable in this instance as there is clear conflict with adopted policy, there is no requirement to assess the design or impacts of the development on the character of the conservation area and neighbour amenity.

For the reason above the recommendation must be refusal of the application.

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.

Date: 19/08/2022