

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 to north boundary.

LOCATION: The Rosses, Rue Des Eturs, Castel.

APPLICANT: Mr & Mrs N Higgs

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: 05/08/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Chescoe 2733-01 A1 and photograph of Propsoed shed (date stamped 25/05/2022).

Application Ref: FULL/2022/0927

Property Ref: D00858B000

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 shed/store hereby approved shall be used only for agricultural purposes falling under Agricultural use class 28.

Reason - This permission is granted on the basis of the specific use applied for. The use of the shed/store for other purposes, including domestic storage, would require a separate grant of planning permission and involve different planning policy considerations.

Expiry Date: This permission will cease to have effect on 04/08/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The Authority does not recognise all of the land outlined on the submitted plans as forming the domestic curtilage associated with the dwelling presently known as The Rosses.

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/2022/0927
Property Ref: D00858B000
Valid date: 25/05/2022
Location: The Rosses Rue Des Eturs Castel Guernsey GY5 7DX
Proposal: Erect shed to north boundary.

Applicant: Mr & Mrs N Higgs

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).

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4. The shed/store hereby approved shall be used only for agricultural purposes falling under Agricultural use class 28.

Reason - This permission is granted on the basis of the specific use applied for. The use of the shed/store for other purposes, including domestic storage, would require a separate grant of planning permission and involve different planning policy considerations.

INFORMATIVES

The Authority does not recognise all of the land outlined on the submitted plans as forming the domestic curtilage associated with the dwelling presently known as The Rosses.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested to erect a timber shed to the north boundary for the storage of hay, agricultural tools and farming implements.

The site is located within an Agriculture Priority Area and is Outside of the Centres.

Relevant History:

D858/A

18/07/2022 – FULL/2022/1229 – Permission granted for alteration of roofing and wall materials to shed, alteration to fenestration (retrospective).

12/11/2021 – FULL/2021/1667 – Permission granted to reconfigure one dwelling and two flats to 3 dwellings, erect two storey extension with 1st floor balcony to west elevation and demolish shed and outbuildings.

14/03/2018 – FULL/2017/1725 – Permission granted to extend domestic curtilage and demolish existing and erect replacement outbuildings to provide hay barn and domestic store.

29/08/2017 – FULL/2017/1725 - Permission granted to erect a stable block and timber shed (tack room) (Retrospective).

Existing Use(s):

Agriculture use class 28

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:

Policy OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP9: Sustainable Development

Conclusion/Brief comment:

Information has been submitted which indicates the shed would be used for agricultural purposes and there are no existing buildings on the site which could accommodate the proposed use, in accordance with Policy OC5(B).

By virtue of its siting adjacent to an access track and its relatively modest size, the shed is unlikely to have any adverse effects on the character and openness of the area or on the amenities of neighbouring residents.

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.

It is recommended that the application is approved.

Recommendation:

Grant with Conditions

✓

Date: 04/08/2022

