

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 agricultural land to domestic garden (14sqm), erect 2 storey garage/office with external staircase to west boundary.

LOCATION: La P'tite Carriere, Rue Des Portelettes, Torteval.

APPLICANT: Maximus Limited

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: 28/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners Ltd.- T33-10143-S1- 12, 13 & 14

Application Ref: FULL/2022/1139

Property Ref: G004760000

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 27/09/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed garage/office 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/2022/1139
Property Ref: G004760000
Valid date: 17/06/2022
Location: La P'tite Carriere Rue Des Portelettes Torteval Guernsey GY8 0PQ
Proposal: Change of use of agricultural land to domestic garden (14sqm), erect 2 storey garage/office with external staircase to west boundary.
Applicant: Maximus Limited

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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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 garage/office 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 site is located within an Agriculture Priority Area and located Outside of the Centres as defined in the Island Development Plan.

The area of land in question forms an area of car parking to the south of no.1 and no.2 La P'tite Carriere. The land sharply rises to the east and south of the car parking area in question by a dense area of vegetation, recognised as agricultural land. A car port with a first floor terrace exists to the south of the dwelling.

Planning permission is sought to change the use of agricultural land to domestic garden (14sqm) and to erect a 2 storey garage/office with external staircase to the west boundary.

Relevant History:

FULL/2020/1422	Variation to previously approved plans for alteration to warehouse to create 2 residential units - Erect car port with first floor terrace to south gable and alterations to fenestration and materials (Retrospective)	Granted
FULL/2018/1829	Alterations to warehouse to create 2 residential units.	Granted

Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☐	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

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

GP1: Landscape Character and Open Land

GP8 Design

GP9 Sustainable Development

GP13 Householder Development

GP15: Creation and Extension of Curtilage

Conclusion/Brief comment:

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.

The proposal to extend the domestic curtilage falls to be considered principally under Policies OC5(A), GP15 and GP1 of the Island Development Plan.

Despite being located within an Agriculture Priority Area, the size of the proposed area of agricultural land to domestic curtilage is limited. In addition, there are limitations with the use of the land for commercial agriculture when taking into account the topography of land which is elevated above the road, access and extent of vegetation. The raised pathway around the building will itself provide sufficient demarcation between the extent of domestic curtilage and agricultural land.

Due to the limited area of domestic curtilage, relationship to public views and the limitations of the exemptions, it is not considered reasonable or necessary in this circumstance to remove the ability of the homeowner to carry out certain development within the extended area of domestic curtilage under Class 1 of the Land Planning and Development (Exemptions) Ordinance, 2007 to manage future development.

Overall, it is considered reasonable to conclude that the land in question cannot positively contribute to the commercial agricultural use of an Agricultural Priority Area for the purposes of criterion c) of Policy GP15.

Allowing the change of use of land to domestic garden in this particular instance is not considered to undermine the wider spatial pattern of development, landscape character, or open land that would be contrary to Policy OC5(A), and GP15.

Due to the very limited extension of domestic curtilage extension coupled with the dense area of vegetation to the south of the proposed garage/office, it is not considered reasonable, practical nor necessary in this case to require the incorporation of a landscaping scheme to maximise biodiversity of the land in order to take into account the Strategy for Nature, 2020.

When taking into account the design of the development, the proposed garage/office adopts a good standard of design by virtue of its scale, form, massing, siting and materials. The building relates to the design of the existing buildings and would not have a significant detrimental effect on the character of the area or visual amenity. When taking into account its orientation, distance and relationship to neighbouring properties to the north and west of the application site, the amenities of neighbouring residents are not considered to be significantly affected to justify refusal.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered 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: 26/09/22