

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 1st floor room of dwelling (use class 1) for Architectural Design Service (Residential Use Class 5) (retrospective).

LOCATION: Kaduna, Kimberley Avenue, Sandy Hook, L'Islet, St. Sampson.

APPLICANT: Mr & Mrs A & N L Potter

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: 14/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Altered Homes Ltd - 2022-00 PD.01-02 & PD.03.01 and letter dated 26/05/2022 (project ref: 2022-00)

Application Ref: FULL/2022/1191

Property Ref: B01747A000

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 applicant's letter dated 26th May 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.

Expiry Date: This permission will cease to have effect on 13/09/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please note that the decision to grant planning permission is based on the information contained in your letter dated 26/05/2022. 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. This is defined as:

'Use of any dwelling principally as a permanent residence for one household but also, by a member of that household, for professional or business purposes or retail trade or business and carried on in not more than two rooms but which does not involve -

(a) storage of hazardous or odorous materials,

(b) a use falling within use classes 26 or 27 or for any general, or special industrial purpose, or

(c) any other use which could not be carried on without material detrimental effects on a neighbouring property.'

Any significant change in the way in which the business is run from that described in the above letter may mean that the use no longer falls within Residential use class 5, thus resulting in the need for 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/2022/1191
Property Ref: B01747A000
Valid date: 24/06/2022
Location: Kaduna Kimberley Avenue Sandy Hook L'Islet L'Islet St.
Sampson Guernsey GY2 4EL
Proposal: Change of use of 1st floor room of dwelling (use class 1) for
Architectural Design Service (Residential Use Class 5)
(retrospective).
Applicant: Mr & Mrs A & N L Potter

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.

4. The use hereby approved shall not be carried on otherwise than in strict accordance with the details set out in the applicant's letter dated 26th May 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.

INFORMATIVES

Please note that the decision to grant planning permission is based on the information contained in your letter dated 26/05/2022. 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. This is defined as:

'Use of any dwelling principally as a permanent residence for one household but also, by a member of that household, for professional or business purposes or retail trade or business and carried on in not more than two rooms but which does not involve -

(a) storage of hazardous or odorous materials,

(b) a use falling within use classes 26 or 27 or for any general, or special industrial purpose, or

(c) any other use which could not be carried on without material detrimental effects on a neighbouring property.'

Any significant change in the way in which the business is run from that described in the above letter may mean that the use no longer falls within Residential use class 5, thus resulting in the need for a separate grant of planning permission.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises an end of terrace dwelling located in Kimberley Avenue.

Planning permission is sought to change the use of a 1st floor room of the dwelling (residential use class 1) to an architect's office (residential use class 5).

The applicant's letter of 26th May 2022 states that a single room within the property is used for an architectural practice operated by the occupier of the dwelling, with no other employees. No meetings are to be held in the proposed office and the hours of operation will be between 08:30 and 16:30 (Monday to Friday) with no additional traffic generation resulting from the use.

Relevant History:

PREA/2022/0639	Operate business from dwelling.	Granted
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Existing Use(s):

Residential use class 1 – dwelling-house

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:

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 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. It is also apparent that the principal use of the site will remain residential use as the business will only occupy one room of the house. The development represents a good example of sustainable development as it lessens the need to travel to the principal workplace as encouraged by Policy GP14.

The business operation as proposed would not have an unacceptable impact on the character of the area or residential amenity from increased activity, disturbance or noise.

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.

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: 12/09/22