

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 room of dwelling (Residential Use Class 1) for Beauty Treatment Room (Residential Use Class 5).

LOCATION: Sarasota, Bordel Lane, Vale.

APPLICANT: Ms K Russell

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: 15/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Plan & Drawing (dated 04/07/22), Photo (16/06/22) and letter received 12/09/2022

Application Ref: FULL/2022/1290

Property Ref: C01454B000

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.This permission relates to the use of this dwelling for the home based business specified in the letter which accompanies the application received 12/09/2022, in accordance with the provisions of Residential use class 5 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance. On the cessation of any professional or business purposes or retail trade or business in accordance with this use class, the dwelling shall revert to use as a single dwellinghouse, as defined in Residential Use Class 1 of the Land Planning and Development (Use Classes) Ordinance, 2017 or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - To allow return to use as a single dwellinghouse without the need for a further grant of planning permission.

Expiry Date: This permission will cease to have effect on 14/09/2025 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 received 12/09/2022. 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/2022/1290
Property Ref: C01454B000
Valid date: 04/07/2022
Location: Sarasota Bordel Lane Vale Guernsey GY3 5DB
Proposal: Change of use of room of dwelling (Residential Use Class 1) for Beauty Treatment Room (Residential Use Class 5).

Applicant: Ms K Russell

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. This permission relates to the use of this dwelling for the home based business specified in the letter which accompanies the application received 12/09/2022, in accordance with the provisions of Residential use class 5 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance. On the cessation of any professional or business purposes or retail trade or business in accordance with this use class, the dwelling shall revert to use as a single dwellinghouse, as defined in Residential Use Class 1 of the Land Planning and Development (Use Classes) Ordinance, 2017 or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - To allow return to use as a single dwellinghouse without the need for a further grant of planning permission.

INFORMATIVES

Please note that the decision to grant planning permission is based on the information contained in your letter received 12/09/2022. 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 property known as 'Sarasota' is a 1980's one and a half storey dwelling which sit on a corner site. It is set back from and faces north onto Bordel Lane, Goose Lane runs along part of the eastern boundary and open agricultural land to the west and south. The property is located Outside of the Centres 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.

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:

GP8: Design

GP14: Home Based Employment

Conclusion/Brief comment:

This application is for a change of use of one room of the dwelling (use class 1) to use for Beauty Treatments (use class 5).

Policy GP14 supports the operation of small-scale home businesses Outside of the Centres as long as it will not have an adverse impact on neighbouring properties or the surrounding area as a result in increased activity and disturbance. Home-based working typically employs a low number of people, have a low intensity use, do not require a significant level of support services and are of a scale and form which do not detract from the character of the surroundings.

The beauty business will be located in the previously converted integral garage, that has access to a WC at the back which is currently used as a study. The room is

accessed via the internal hallway, just to the left of the front door. The external appearance of building will not change and the proposals will not alter the outlook of or from this elevation. The change to a beauty business is not considered to impact upon the character of the area.

In this case the principal use of the site will clearly remain for residential use with the treatments offered by the daughter of the property owner, administrative functions provided by the property owner and with no other employees. The primary member of staff offering treatments does not live at the premises however, the business is to be run as a partnership, with the homeowner.

The opening hours of the business have been specified as 9am-5pm Monday to Friday, with a few days extending to 7pm and 10am-1pm on every other Saturdays, no Bank Holidays or Sundays. There will be one client at a time visiting the business and clients may park in the drive which is large enough to accommodate the staff car and two client cars should there be an occasional overlap of clients as well as the occupiers vehicles. It would be reasonable to impose a condition restricting operation of the business in accordance with the details as outlined in the applicants supporting letter.

This business is run by one of the homeowners, is considered to represent a low intensity use and does not require any support services. The low intensity nature of the proposed business leads to the conclusion that there would not be any materially significant increase in the volume of vehicle movements, therefore there is no concerns with highway safety or capacity.

The proposed use as specified will it have any detrimental effects on the neighbours' amenity.

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.

Recommendation:

Grant with Conditions



Date: 14/09/2022

