

**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:** Convert and alter 2 self-catering units (Use Class 8) to 2 dwellings (Use Class 1).

**LOCATION:** Wisteria, King's Mills Road, Castel.

**APPLICANT:** Miss L Letten

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:** 11/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Mark Frampton & Company: 2022 / 634 / 01A

**Application Ref:** FULL/2022/1329

**Property Ref:** D003220000

**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. No dwelling hereby permitted shall be occupied until the first floor void has been infilled, the replacement rooflights in the east elevation have been installed, the fencing along the east and south boundaries have been installed and the planter to the north of Le Fauconner has been installed, in accordance with plan number 2022/634/01A.

Reason - In the interests of the quality of the living environment of the proposed dwellings and to protect the reasonable amenities of neighbouring residents.

5. Notwithstanding the details submitted, prior to the occupation of Le Columbier, the ground floor south elevation window serving the bedroom of Le Columbier shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained at all times.

Reason - To protect the reasonable amenities of neighbouring residents.

**Expiry Date: This permission will cease to have effect on 10/10/2025 unless development is commenced by that date.**

#### **ADVICE AND OTHER REMARKS:-**

##### **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](http://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](mailto: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/2022/1329  
**Property Ref:** D003220000  
**Valid date:** 16/06/2022  
**Location:** Wisteria King's Mills Road Castel Guernsey  
**Proposal:** Convert and alter 2 self-catering units (Use Class 8) to 2 dwellings (Use Class 1).  
**Applicant:** Miss L Letten

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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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. No dwelling hereby permitted shall be occupied until the first floor void has been infilled, the replacement rooflights in the east elevation have been installed, the fencing along the east and south boundaries have been installed and the planter to the north of Le Fauconner has been installed, in accordance with plan number

2022/634/01A.

Reason - In the interests of the quality of the living environment of the proposed dwellings and to protect the reasonable amenities of neighbouring residents.

5. Notwithstanding the details submitted, prior to the occupation of Le Columbier, the ground floor south elevation window serving the bedroom of Le Columbier shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained at all times.

Reason - To protect the reasonable amenities of neighbouring residents.

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## **OFFICER'S REPORT**

### **Site Description:**

The application site comprises of a group of buildings to the north of Kings Mills Road which include 6 dwellings and 2 self-catering units with associated parking and private and communal amenity space. The group of buildings include a traditional 2 storey dwelling fronting onto the highway with a series of extensions and a detached outbuilding which have been converted into dwellings. A detached outbuilding to the north of the site consists of 2 self-catering units and is the subject of this application.

The site is Outside of the Centres and is in the Kings Mills Conservation Area and an Agriculture Priority Area.

### **Relevant History:**

04/10/2021 – CLU/2020/0273 – Certificate of Lawful Use granted to regularise use of 5 units as separate residential units (Residential use class 1 and 2).

### **Existing Use(s):**

Self-catering units - Visitor economy use class 8: non-serviced visitor accommodation  
Dwellings – Residential use class 1 and 2

### **Brief Description of Development:**

Planning permission is requested to convert and alter 2 self-catering units (Visitor Accommodation Use Class 8) into two, 2 bedroom dwellings (Residential Use Class 1). The alterations include replacing and repositioning rooflights, extending the first floor level over an existing void, install fencing and install planter.

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

Policy OC1: Housing Outside of the Centres

Policy OC8(C): Visitor Accommodation Outside of the Centres – Change of Use

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP16(A): Conversion of Redundant Buildings

Policy IP6: Transport infrastructure and support facilities

Policy IP7: Private and Communal Car Parking

**Representations:**

None

**Consultations:**

None

**Summary of Issues:**

1. Whether the principle of the loss of the visitor accommodation is acceptable.
2. Whether the principle of new housing is acceptable.
3. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.
4. The impact of the development on the amenity of people living in the area.

**Assessment against:**

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The proposed loss of visitor accommodation would principally be considered under Policy OC8(C). The preceding explanation to Policy OC8 sets out that previously there has been a process of rationalisation of the Island's stock of visitor accommodation which has been successful in stimulating investment and establishing a sustainable level of accommodation. However, in order to ensure that the Island retains a sufficient level of accommodation to support the visitor economy, to meet forecast demand and to ensure a range of types of accommodation, there will be a need to resist the further loss of visitor accommodation establishments other than in exceptional circumstances or where the operation of an establishment is not financially viable.

There is an exception to the above approach under Policy OC8(C) for small self-catering units (less than 3 self-catering units) or guest accommodation (less than 6 bed spaces) establishments that have been created within a dwelling or within the curtilage of a dwelling and where the entire site is capable of being converted back to a single dwelling. The intention of this exception is to prevent operators of small

visitor accommodation businesses from having to leave their home when the business ceases to operate.

The application relates to a small self-catering unit establishment (in that there are less than 3 self-catering units on the site) however the proposal would not result in the outbuilding being converted back to form part of a single dwelling but would instead provide 2 additional self-contained dwellings. As a result, the proposal does not fully meet the exception to Policy OC8(C). However, the agent has made a written request for the application to be considered as a minor departure from Policy OC8(C).

The loss of the 2 self-catering units would have a negligible effect on the Island's overall stock of visitor accommodation. If the building was converted to a domestic outbuilding, the accommodation provided would be disproportionately large compared to the existing dwelling Wisteria although the existing dwelling does not currently benefit from a garage. It could be argued that the proposed use as 2 independent dwellings would be a more effective and efficient use of the building and on balance, it is recommended that the loss of the existing visitor accommodation is supported as a minor departure from the exceptions part of Policy OC8(C).

The site is located Outside of the Centres as defined in the Island Development Plan. Opportunities for new housing in such areas are limited to the subdivision of existing dwellings or the conversion of redundant buildings (Policy OC1). The erection of new build housing is not permitted. In principle, Policy OC1 makes provision for the conversion of redundant buildings Outside of the Centres where the development accords with Policy GP16(A).

Although the building could technically still be used as 2 self-catering units, as set out above, Policy OC8(C) supports the loss of small self-catering units (less than 3 self-catering units) establishments and it is agreed that the proposal can be considered as a minor departure from the exceptions part of Policy OC8(C). On this basis it has been demonstrated that the building is no longer required as self-catering units.

The building appears to be in good condition and there is no reason to suggest that the building is not of sound and substantial construction. Minor alterations to the building are proposed to improve the quality of the living environment and to minimise the impact on neighbouring properties such as alterations to rooflights and replacing windows with doors. The proposed works would not amount to extensive alterations and are deemed acceptable under part (c) of Policy GP16(A). There are no protected buildings on the site. The existing building is of a traditional design which contributes to the traditional character of the group of buildings on the site. The proposed minor alterations to the building and the boundary treatments of the properties would have no adverse effects on the character and appearance of the Conservation Area or on the openness of the landscape. No extensions are proposed and the limited increase in the habitable floor space by infilling a void at first floor level would constitute a minor or modest alteration.

A number of measures are proposed to minimise the impact on the amenities of neighbouring residents including altering the position of rooflights to the east elevation to increase the cill heights to 1.7m and installing high fencing along the east boundary. In addition, the ground floor south elevation window of the bedroom of Le Columbier has the potential to cause intervisibility issues with the neighbouring dwelling to the south. The agent has raised no objections to this window being obscure glazed, and this can be dealt with by condition. Provided that the measures set out above are implemented prior to the first occupation of the dwellings, the proposed dwellings would have no unacceptable adverse impacts on the amenities of neighbouring properties. The conversion of the building to 2 residential dwellings accords with Policy GP16(A).

The internal accommodation for both dwellings substantially exceeds minimum Guernsey Technical space standards. One of the dwellings would meet and one of the dwellings would be marginally below the best practice minimum internal space standards which are published on the Authority's website. The dwellings are dual aspect and would have adequate daylight, sunlight and outlook. The proposed boundary fencing and planter would ensure adequate privacy for both of the dwellings. The private outdoor space is limited in size and quality but when combined with the communal patio and swimming pool, the provision of outdoor space would be adequate. Overall, despite some deficiencies, the proposed dwellings would provide a satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8.

The on-site parking provision is adequate for the size of the dwellings in this location. Secure bicycle storage is provided within external storage units or a shed. The car and bicycle parking provision is adequate for this Outside of Centres location and it accords with Policies IP6, IP7 and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance

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.

**Date:** 11/10/2022

