

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 stables to south west of property.

LOCATION: Mistletoe Cottage, La Marette Road, St. Sampson.

APPLICANT: Mr & Mrs J Beck

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: 23/09/2022

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: G.E Le Friec 2211/2

Application Ref: FULL/2022/1352

Property Ref: B01633A001

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 stables hereby permitted shall not be used in connection with any commercial livery.

Reason - To define the permission and to protect the amenities of neighbouring residents.

5.No development shall begin until further details in relation to the elements specified below have been submitted to and agreed in writing by the Authority:

- a) proposed method of manure storage and disposal; and
- b) external lighting associated with the stable building

The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include details of the proposed lighting and storage. This condition is imposed to make sure that the storage of any manure and the provision of any external lighting required does not have an unacceptable adverse impact on the character and appearance of the locality and the amenities of surrounding residents.

Expiry Date: This permission will cease to have effect on 22/09/2025 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 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/2022/1352
Property Ref: B01633A001
Valid date: 17/06/2022
Location: Mistletoe Cottage La Marette Road St. Sampson Guernsey
GY2 4FR
Proposal: Erect stables to south west of property.

Applicant: Mr & Mrs J Beck

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.

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The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include details of the proposed lighting and storage. This condition is imposed to make sure that the storage of any manure and the provision of any external lighting required does not have an unacceptable adverse impact on the character and appearance of the locality and the amenities of surrounding residents.

OFFICER'S REPORT

Brief Description of the site:

Mistletoe Cottage comprises a traditional end of terrace dwelling which is setback from La Marette Road. The property appears to have been subdivided from the main house in 2009 (FULL/2009/1435).

A detached outbuilding lies to the south of the site towards the end of an elongated garden.

Planning permission is sought to erect stables to the south-west corner of the site, behind the existing outbuilding.

The site is located Outside of the Centres as designated in the Island Development Plan and the building is protected.

Relevant History:

None germane to this application.

Existing Use(s):

Residential

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:

GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development
GP13: Householder Development

Consultation:

The Office of Environmental Health and Pollution Regulation's comments:

"I have reviewed the proposed plans for Mistletoe Cottage which were received by post on 22nd August 2022. Whilst we have concerns about the potential for neighbourhood nuisance in relation to the keeping of livestock (odour, flies, accumulations etc.), having reviewed the application there would be limited merit in recommending conditions being applied to consent to control this. As such, I would be grateful if you could pass these concerns onto the applicant to ensure that they are aware of the potential to create nuisance.

I would further recommend that the States Veterinary Officers are liaised with in relation to an animal welfare perspective."

Conclusion/Brief comment:

The building represents a good standard of design in terms of its scale, form, mass and materials. The proposed building will be set behind an existing timber shed and is located at some distance from the main road.

Despite being positioned away from the main house, the proposal is considered to respect the character of the surrounding built environment when taking into account the position of neighbouring properties and outbuildings to the south and west of the application site and the intervening distance would prevent any impact on the setting of the protected building.

The building is set sufficiently far from adjoining properties to limit any impacts arising from the structure itself and the limited size of the stables and personal use would restrict the level of use. The Office of Environmental Health and Pollution Regulation have concerns regarding the potential for a neighbourhood nuisance to occur, particularly with regards to the keeping of livestock. Given the proximity to

neighbouring dwellings in the surrounding area, it is necessary and reasonable to attach a planning condition to ensure that full details of the storage of manure and any external lighting are submitted to and agreed in writing by the Authority in the interest of neighbour amenity.

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

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: 22/09/22

