

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 detached garage to north of dwelling.

LOCATION: La Moranda, Mont Cuet Road, Chouet, Vale.

APPLICANT: Mr & Mrs D Woolland

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: 29/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd: 6221/A/1d.

Application Ref: FULL/2022/1534

Property Ref: C017790000

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 28/11/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed garage 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.

Your attention is drawn to the requirement to erect a traditional earth bank along the north boundary of the approved extension of domestic curtilage, as shown on the approved Plan as part of planning application FULL/2020/1316.

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/2022/1534
Property Ref: C017790000
Valid date: 03/10/2022
Location: La Moranda Mont Cuet Road Chouet Vale Guernsey
Proposal: Erect detached garage to north of dwelling.

Applicant: Mr & Mrs D Woolland

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.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed garage 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.

Your attention is drawn to the requirement to erect a traditional earth bank along the north boundary of the approved extension of domestic curtilage, as shown on the approved Plan as part of planning application FULL/2020/1316.

OFFICER'S REPORT

Brief Description of the site:

The application site, known as 'La Moranda', comprises a detached dwelling-house, served by an elongated garden to the rear, surrounded by mature planting and car parking provision to the front.

Planning permission was granted in 2021 to change the use of agricultural land immediately to the north and east of the recognised domestic curtilage to garden, and erect earthbank along the proposed north boundary to clearly demarcate the two uses (agriculture and residential).

Large areas of open and undeveloped agricultural land lie to the north, east and west of the approved area of domestic curtilage, which are typically bounded by traditional dry-stone walls and earthbanks.

The dwelling-house and the immediate fields surrounding the property are situated Outside of the Centres as defined in the Island Development Plan. The land to the south of the application site is recognised as a Site of Special Significance. The application site is not within an Agriculture Priority Area (APA).

Planning permission is now sought to erect a detached garage and install hardstanding to the north of the dwelling, within the recently approved extension of domestic curtilage.

The application was deferred as the original drawings noted that the vehicular opening of the garage would face west and be accessed over agricultural land. This raised concerns as it would indirectly formalise vehicular access over agricultural land which would conflict with Policy.

The agent has subsequently omitted the track markings over the agricultural land, omitted the hard surfacing to the west of the garage, and incorporated vehicle openings to the north and east elevations of the proposed garage, in attempt to overcome the concerns raised.

Relevant History:

FULL/2020/1316	Change of use of agricultural land to domestic garden and erect earthbank to north boundary.	Granted
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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:

GP1 Landscape Character and Open Land
GP8 Design
GP9 Sustainable Development
GP13 Householder Development

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.

Whilst the proposed garage will be sited on a relatively open area of grassland, the garage will be setback from the north, east and west boundaries respectively where it would be more visible in public vantage points.

Despite its size, the garage would not be overly prominent in public views due to the topography and mature vegetation in and around the surrounding area. In addition, the materials proposed by virtue of timber walls and a natural slate roof is respectful to these natural surroundings. On balance, the proposal achieves a good standard of design for the purposes of Policy GP8 in terms of its scale, form, massing, siting and materials and the resultant impact on the character and appearance of the surrounding area.

The proposal is not considered to affect the amenities of neighbouring residents.

It is however noted that no earthbank has been shown along the north boundary of the application site, unlike the previous approval FULL/2020/1316. It is therefore advised that an informative to this effect be attached to the decision to remind the applicant/agent of this requirement. It is also noted that the layout plan of the proposed garage is also not reflective of the elevation drawings.

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: 29/11/22