

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 outbuilding (Residential Use Class 1) to Natural Health Clinic (Residential Use Class 5), (retrospective).

LOCATION: Springfield, Longue Rue, St. Saviour.

APPLICANT: Mr R G Vile

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 01/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application block layout plan, floor plan (scale 1:50) and letter from Andrew E. Vile received 1/08/2022

Application Ref: FULL/2022/1566

Property Ref: E01158A000

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 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.

3.The business use hereby permitted shall be operated in accordance with the Letter of Clarification from Andrew E. Vile received on 01/08/2022.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use or change to operating arrangements is likely to raise different planning policy considerations.

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 01/08/2022. 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. Please contact the Planning Service prior to making any changes to the Natural Health Clinic.

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/2022/1566
Property Ref: E01158A000
Valid date: 01/08/2022
Location: Springfield Longue Rue St. Saviour Guernsey GY7 9QU
Proposal: Change of use of outbuilding (Residential Use Class 1) to Natural Health Clinic (Residential Use Class 5), (retrospective).

Applicant: Mr R G Vile

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 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.

3. The business use hereby permitted shall be operated in accordance with the Letter of Clarification from Andrew E. Vile received on 01/08/2022.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use or change to operating arrangements is likely to raise different planning policy considerations.

INFORMATIVES

Please note that the decision to grant planning permission is based on the information contained in your letter received 01/08/2022. 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. Please contact the Planning Service prior to making any changes to the Natural Health Clinic.

OFFICER'S REPORT

Brief Description of the site:

Springfield, Longue Rue is a detached cottage with granite exterior and slate roof. The property sits along the south site boundary with off-road parking to the side/north and front/east of the dwelling. To the rear of the property is a timber cabin building which is the subject of this application. Adjacent to the west site boundary is a poly tunnel and timber shed with a metal frame over to accommodate solar panels laid horizontally.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

The application relates to the retrospective change of use of a timber outbuilding located adjacent to the south site boundary, rear of the main house, to home based business, a natural health clinic, containing a treatment space, office and WC. The application submission sets out that the building will offer a home based Acupuncture Treatment Space to be operated between 8am and 8pm Monday – Saturday. The submission clarifies however that appointments are usually limited to 2 per day/12 per week, lasting between 1 to 1 1/2 hrs each and with at least 30

minutes between appointments to avoid parking difficulties although there is adequate parking on site for up to two client vehicles. The business is operated on a part time basis and there are no other staff employed.

Relevant History:

None.

Existing Use(s):

01 dwellinghouse

Assessment: *(Tick as appropriate)*

no representation	<table border="1"><tr><td>x</td></tr></table>	x
x		
accords with policy	<table border="1"><tr><td>x</td></tr></table>	x
x		
within curtilage	<table border="1"><tr><td>x</td></tr></table>	x
x		
design acceptable	<table border="1"><tr><td>x</td></tr></table>	x
x		

visual amenity acceptable	<table border="1"><tr><td>x</td></tr></table>	x
x		
no material neighbour impact	<table border="1"><tr><td>x</td></tr></table>	x
x		
traffic not affected	<table border="1"><tr><td>x</td></tr></table>	x
x		

Policies considered most relevant:

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP14: Home Based Employment

IP9: Highway Safety, Accessibility and Capacity

Consultations:

Office of Environmental Health and Pollution Regulation – The outbuilding is registered with this office under the Tattooing, Piercing, Acupuncture and Electrolysis (Guernsey and Alderney) Law, 2000, for acupuncture only and an inspection of the treatment space was carried out by officers in February 2022. There were no issues found that would affect this planning application and I therefore do not wish to raise any objections to the proposals.

Conclusion/Brief comment:

Policy GP14 makes provision for home based employment where it is carried out by the occupier of a dwellinghouse as would be the case at Springfield. As the proposal relates to the use of the outbuilding it is clear that the principle use of the site will remain as residential in line with criterion a. of the policy. The building is situated to the rear of the dwelling and the proposed business use will not have a detrimental impact on the amenity of the area. With regard to the amenities of nearby residents, the building itself is situated adjacent to a dower unit at the adjoining site however

the nature of the proposed use combined with limited number of appointments throughout the week will not result in undue noise or nuisance to the occupiers of the adjoining dwelling and dower in line with the aims of Policies GP14, GP8 and GP9 of the Plan.

There is adequate off-road parking on site to meet the needs of the occupiers of the dwelling and visitors to the site and the spacing of appointments as indicated will satisfactorily manage this. The spacing of appointments and part time nature of the use will not result in an unacceptable increase in traffic on the local road network nor cause nuisance from excess vehicle movements to the adjoining occupiers having regard to the relevant policies in the IDP.

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 September 2022