

**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:** Variations to plans previously approved to Demolish outbuilding. Erect single storey extension to south (side) elevation, porch to east (front), erect balcony at first floor level to west (rear) elevation and erect pool pump room to rear of dwelling - Relocate plant room and swimming pool and alterations to landscaping.

**LOCATION:** Gele Road Vinery, Le Gele Road, Castel.

**APPLICANT:** Mr & Mrs B O'Mahoney

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:** 13/01/2023

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:** Lovell Ozanne: 10318-S1-02F, J46-10318-S1-03G & 10318-S1-13.  
Sexton Green Landscapes: SGL038-04.

**Application Ref:** FULL/2022/1576

**Property Ref:** D00463D000

**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 on or before 14/11/24.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 15/11/2021, issued under planning application reference FULL/2021/2183, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

**Expiry Date: This permission will cease to have effect on 14/11/2024 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/2022/1576  
**Property Ref:** D00463D000  
**Valid date:** 01/08/2022  
**Location:** Gele Road Vinery Le Gele Road Castel Guernsey GY5 7LR  
**Proposal:** Variations to plans previously approved to Demolish outbuilding. Erect single storey extension to south (side) elevation, porch to east (front), erect balcony at first floor level to west (rear) elevation and erect pool pump room to rear of dwelling - Relocate plant room and swimming pool and alterations to landscaping.

**Applicant:** Mr & Mrs B O'Mahoney

**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 on or before 14/11/24.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 15/11/2021, issued under planning application reference FULL/2021/2183, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

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## **OFFICER'S REPORT**

### **Brief Description of the site:**

Le Gele Vinery is the location of a substantial detached dwelling which is under construction. The building is wind and water tight with windows and roof covering in place.

Planning permission was granted in 2021 to demolish an outbuilding and erect a single-storey extension containing a kitchen and breakfast room, utility and boot room, plant room shower room and car port. The permission also included the erection of a balcony to the rear/west elevation of the main house and entrance canopy to the front/east elevation.

Planning permission is now sought to vary the approved works by relocating the plant room to the north boundary and swimming pool. It is also proposed to alter the landscaping scheme and creating an AstroTurf pitch to the rear of the property.

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

### **Relevant History:**

FULL/2022/0335- Erect pitched roof extension to north elevation - granted

FULL/2021/2183 - Demolish outbuilding. Erect single storey extension to south (side) elevation, porch to east (front), erect balcony at first floor level to west (rear) elevation and erect pool pump room to rear of dwelling - granted

FULL/2017/1763 - Convert outbuilding into two dwellings with associated parking and landscaping - granted

FULL/2018/0887 - Demolish existing outbuildings and erect two detached dwellings and garages with associated amenity space and create new vehicular access – granted

FULL/2019/1800 - Demolish existing outbuildings and erect dwelling with associated amenity space, landscaping and alterations to vehicular access and erect gates – granted

FULL/2020/0735 - Variations to plans previously approved to demolish existing outbuildings and erect dwelling with associated amenity space - alterations to fenestration and amendments to facade treatment, alterations to roof and dormers – granted

FULL/2020/1812 - Variations to plans previously approved to demolish existing outbuildings and erect dwelling with associated amenity space - increase footprint, reposition flue and amendments to exterior of north elevation and alterations to fenestration – granted

FULL/2020/2577 - Change of use of agricultural land to domestic garden (2,500 sqm) – granted

Pre-application advice was sought regarding the erection of an extension to the south of the dwelling.

**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:**

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.

The creation of an AstroTurf pitch would amount to engineering works and therefore comprise development requiring planning permission. The creation of a pitch in this location would have no impact on visual amenity or the character of the area. The

alterations to the landscaping would not result in the Astro Turf pitch having any greater visual impact from outside of the site.

Whilst the proposed amendments to the plant room and swimming pool are shown in different locations to what was previously approved, these works in their own right would constitute exempt development and therefore would not require a specific grant of planning permission.

The proposal would not adversely impact on the amenities of neighbouring residents.

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:** 13/01/23