

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 one self-catering unit (Periwinkle Cottage) (Use Class 8) to a unit of staff accommodation.

LOCATION: Les Buttes Holiday Cottages, Rue Des Raies, St. Pierre Du Bois.

APPLICANT: Mr M Ozanne

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: 20/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Application Ref: FULL/2022/1772

Property Ref: F012430000

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 premises presently known as Periwinkle Cottage shall be used only for staff accommodation ancillary and ordinarily incidental to the use of Les Buttes Holiday Cottages for self-catering accommodation within Visitor Economy use class 8: Non-serviced visitor accommodation of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance and shall only be so used whilst the owner operates the remaining 3 self-catering cottages located at the site. Occupation of Periwinkle Cottage as staff accommodation shall cease if the 3 self-catering cottages are no longer utilised as visitor accommodation. On cessation of the hereby approved use as ancillary staff accommodation, Periwinkle Cottage shall revert to use as self-catering accommodation within Visitor Economy use class 8: Non-serviced visitor accommodation.

Reason - To ensure that the accommodation remains ancillary and ordinarily incidental to the use of Les Buttes Holiday Cottages for self-catering accommodation and to ensure compliance with adopted planning policy. Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

Expiry Date: This permission will cease to have effect on 19/10/2025 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 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/2022/1772
Property Ref: F012430000
Valid date: 21/09/2022
Location: Les Buttes Holiday Cottages Rue Des Raies St. Pierre Du Bois
Guernsey GY7 9SD
Proposal: Change of use of one self-catering unit (Periwinkle Cottage)
(Use Class 8) to a unit of staff accommodation.
Applicant: Mr M Ozanne

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).

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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 premises presently known as Periwinkle Cottage shall be used only for staff accommodation ancillary and ordinarily incidental to the use of Les Buttes Holiday Cottages for self-catering accommodation within Visitor Economy use class 8: Non-

serviced visitor accommodation of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance and shall only be so used whilst the owner operates the remaining 3 self-catering cottages located at the site. Occupation of Periwinkle Cottage as staff accommodation shall cease if the 3 self-catering cottages are no longer utilised as visitor accommodation. On cessation of the hereby approved use as ancillary staff accommodation, Periwinkle Cottage shall revert to use as self-catering accommodation within Visitor Economy use class 8: Non-serviced visitor accommodation.

Reason - To ensure that the accommodation remains ancillary and ordinarily incidental to the use of Les Buttes Holiday Cottages for self-catering accommodation and to ensure compliance with adopted planning policy. Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

OFFICER'S REPORT

Brief Description:

Change of use of one self-catering unit (Periwinkle Cottage) (Use Class 8) to a unit of staff accommodation.

Relevant History:

FULL/2019/1031 - Change of use of self-catering cottage to a unit of staff accommodation – granted

FULL/2021/1582 - Convert two visitor cottages into one visitor cottage (Use Class 8 - non-serviced visitor accommodation) – granted

FULL/2022/1031 - Change of use of 4 self catering units (Use class 8), 1 unit to be incorporated into existing dwelling and 3 units to dwellings (residential use class 1).
Refused 15/08/2022

Existing Use(s):

01 dwellinghouse

08 visitor accommodation (self-catering)

Assessment: *(Tick as appropriate)*

no representation

☒

accords with policy

☒

visual amenity acceptable

☒

no material neighbour impact

☒

within curtilage
design acceptable

x
x

traffic not affected

x

Policies considered most relevant:

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

Comments received:

Tourism Quality Development supports the application.

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.

IDP Policy OC8(C) applies to proposals for change of use of visitor accommodation Outside the Centres. This policy states that the change of use of existing visitor accommodation to a non-visitor accommodation use Outside the Centres will only be supported where certain criteria are met. However, the pre-amble to this policy confirms that for the purposes of the policy, visitor accommodation includes ancillary and ordinarily incidental facilities and staff accommodation associated with, and located on, the sites of such establishments.

In this case, the proposal is for ancillary accommodation, for staff helping to operate the business. This can be controlled by planning condition. There is consequently no conflict with Policy OC8(C).

Tourism Quality Development has been consulted on the application and supports the proposal. A similar proposal (FULL/2019/1031) was previously approved in relation to Marigold Cottage but was not implemented. That permission has now expired.

The proposed change of use would have no adverse impact on adjoining uses or on traffic.

It is recommended that the application be approved, subject to conditions.

Recommendation:

Grant with Conditions

x

Date: 20/10/2022

