

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: Demolish conservatory, plant room, demolish and rebuild chimney, extend and alter at ground floor level, erect single storey garden store/workshop to east elevation of outbuilding. Erect a greenhouse to south-east elevation.

LOCATION: La Madeleine, Rue De La Madeleine, St. Pierre Du Bois.

APPLICANT: Mr & Mrs Patterson

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: 02/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Architects: 3697 PL04A, PL05A, PL06A, PL07A & PL08A

Application Ref: FULL/2022/1795

Property Ref: F003550000

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 01/11/2025 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/2022/1795
Property Ref: F003550000
Valid date: 27/09/2022
Location: La Madeleine Rue De La Madeleine St. Pierre Du Bois Guernsey
GY7 9EW
Proposal: Demolish conservatory, plant room, demolish and rebuild
chimney, extend and alter at ground floor level, erect single
storey garden store/workshop to east elevation of outbuilding.
Erect a greenhouse to south-east elevation.

Applicant: Mr & Mrs Patterson

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.

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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.

OFFICER'S REPORT

Brief Description of the site:

La Madeleine, Ruelle De La Madeleine is a detached dwelling with Ruelle De La Madeleine to the west, a neighbouring dwelling, field and Rue Des Vinaires to the north, field and Rue de la Madeline to the south and a field behind the roadside development to Route des Paysans to the east. The dwelling is substantially surrounded by open and undeveloped agricultural land. The agricultural land to the east of La Madeleine benefits from a vehicular access in the southern boundary from Rue de la Madeleine. A number of trees sit within the area approved as domestic garden and separate the area of actively used agricultural land from the dwellinghouse.

The application relates to the demolition of a conservatory and plant room and the erection of a single-storey workshop/garden store to the rear of the existing garage and flat roof conservatory (northeast elevations). A greenhouse is proposed to be erected attached to southeast elevation of the dwelling and a flat roof canopy is proposed to the northwest elevation. The scheme also proposes the demolition and replacement of existing chimney stacks and alterations to fenestration. The proposed wall does not sit forward of an elevation of the dwellinghouse facing a highway and constitutes exempt development.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan. La Madeleine De Bas adjacent to the application site is a Protected Building.

Relevant History:

FULL/2022/1541 - Change of use from agricultural land to domestic garden (690 sq.m.) – granted

Pre-application advice was sought in this case.

Existing Use(s):

01 dwellinghouse
28 agriculture

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

x
x
x
x

visual amenity acceptable
no material neighbour impact
traffic not affected

x
x
x

Policies considered most relevant:

Island Development Plan policies:

OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas

OC9: Leisure and Recreation Outside of the Centres

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Conclusion/Brief comment:

The application relates to various extensions and alterations to the dwelling which all represent a good standard of design and will not result in harm to the amenities of occupiers of adjoining dwellings. The scheme offers adequate sunlight/daylight to the accommodation proposed and will offer more flexible and adaptable accommodation that can respond to the needs of occupiers over time.

The replacement of a plant room with a workshop/garden store will not significantly alter the relationship of this part of the development to the open landscaping and the canopy roof and conservatory will also respect the character of the local open landscape.

With regard to the greenhouse, this will sit on the land recently granted permission to form part of the domestic garden. At the time of writing however, to the knowledge of the Planning Service, the change of use of land has not been implemented therefore the greenhouse sits on existing agricultural land. Policy OC5(A) does make provision for development not related to a farm or agricultural holding. Paragraph 17.3.2 of the IDP considers that current agricultural practise in Guernsey centres on the dairy industry but also includes outdoor vegetable growing and a range of hobby farming and small holdings.

Policy OC5 supports proposals for development relating to the agricultural use of an existing farmstead, or for a purpose ancillary or ordinarily incidental to the existing principal agricultural use, where there are no other buildings or structures which could with, or without reasonable adaptation be otherwise used for the proposed purpose.

Policy OC9 relates to leisure and recreation Outside of the Centres and informal leisure and recreation includes reference to allotments. New informal leisure and recreation may be supported where the built development is proportionate to the nature and scale of the use, that the visual impacts of the development can be mitigated and that the impact of the development on the function of the APA can be satisfactorily addressed.

The proposed greenhouse is modest in size to be positioned close to/attached to existing built development at the site. The greenhouse will be seen in the context of the adjoining built development and following the implementation of the change of use of land the greenhouse will be partially screened by the approved fence and earthbank. The limited size of the greenhouse combined with its careful positioning is proportionate to its use as a domestic scale greenhouse associated with La Madeleine. Furthermore, its construction will not undermine the commercial function of the Agriculture Priority Area or the function of this field for agricultural purposes particularly given that the land in question is not actively farmed and has been granted permission to be used as domestic garden (which has yet to be implemented).

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.

In view of the above it is recommended planning permission is granted for the proposed development.

Recommendation:

Grant with Conditions



Date: 02 November 2022