

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 outbuilding, glasshouse to east boundary and erect shed to west boundary (retrospective).

LOCATION: Ambleside, Rue Des Bergers, Castel.

APPLICANT: Mr & Mrs A Hitchon

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: 08/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Block Layout Plan, Outbuilding, greenhouse and garden shed written details, outbuilding and shed diagrams and Eden Blockley Greenhouse details

Application Ref: FULL/2022/2056

Property Ref: D00521A000

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.

Expiry Date: This permission will cease to have effect on 07/12/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed shed and workshop 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.

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/2022/2056
Property Ref: D00521A000
Valid date: 07/11/2022
Location: Ambleside Rue Des Bergers Castel Guernsey GY5 7AP
Proposal: Erect outbuilding, glasshouse to east boundary and erect shed to west boundary (retrospective).

Applicant: Mr & Mrs A Hitchon

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.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed shed and workshop 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.

OFFICER'S REPORT

Brief Description of the site:

Ambleside comprises a detached dwellinghouse located within a row of four similar properties on the north side of Rue des Bergers.

The application relates to the erection of a shed, outbuilding and greenhouse to the north part of the domestic garden associated with Ambleside. The application is retrospective as the structures are already in situ.

The application site is located within a designated Agriculture Priority Area, Outside of the Centres in the Island Development Plan. The APA extends along the road to the west and east, and that land, together with an area to the north of the residential properties, is also designated as an Area of Biodiversity Importance.

Relevant History:

PREA/2021/0409 - Pre-application enquiry relating to the erection of a replacement greenhouse and shed – Identified that land to the north of the site does not comprise domestic curtilage.

CLU/2021/0826 - Regularise use of land as domestic garden (900sqm) (Residential Use Class 1). The issue of a Certificate of Lawful Use relates to the use of the land only, and does not regularise any unauthorised physical development, such as the erection of sheds more than 30 metres from the dwellinghouse.

Existing Use(s):

01 dwellinghouse

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:

Island Development Plan policies:

GP1: Landscape Character and Open Land

GP8 Design

GP9: Sustainable Development
GP13: Householder Development

Representation:

One letter of representation has been submitted raising the following points:

- Two structures were erected on the eastern boundary of the property (large workshop and greenhouse) and one on the west boundary (wooden shed)
- Concerns exist regarding the position of the structures – they are significantly further than 30m from the dwelling and it is unclear why they have been erected so far from the house and not closer to it, within the planning parameters
- The use of the workshop could result in significant noise/disturbance depending on its use resulting in harm to residential amenity
- The planning rules should apply to everyone equally, they are created to ensure fairness and prevent potential aggravation to others
- Applying for permission for activity outside the rules is essential so neighbours/interested parties can comment prior to the commencement of work
- The information relating to exemptions are easy to find online
- It is hoped that the applicant will move the structures to now comply with the 30m rule

Conclusion/Brief comment:

The comments received regarding current exemption rights are noted. The purpose of the exemption rights is to enable home owners to undertake work within their own domestic garden without the specific grant of planning permission. It does not follow however, that development outside those parameters is unacceptable but rather that an application is necessary. In this case however, the work was carried out without the benefit of planning permission. This does not however influence the assessment or determination of an application and where a development is retrospective and unacceptable it would be necessary to take enforcement action for its removal. Although it has been requested that the sheds/greenhouse are repositioned so that they constitute exempt development the application must be considered on the basis of the information submitted and locations shown/as erected. There would need to be substantial planning grounds to require the development to be amended/repositioned and it does not automatically follow that this would bring the development within 30m of the dwellinghouse.

The erection of the structures do not have a detrimental impact on the amenities of the adjoining residential neighbours and represent a good standard of design appropriate for the residential setting. With regard to the use of the workshop and potential for nuisance it should be noted that although the application states that it will be used as a workshop it may however, be used for any other purpose which is incidental to the enjoyment of the dwelling. This may include but is not limited to use as a games room, craft room, storage etc. The principle of constructing a

domestic outbuilding is therefore acceptable and there is no evidence to demonstrate that the domestic use an outbuilding as a workshop, including the use of power tools, would result in unacceptable harm to residential amenity. Its use in connection with a trade or business would require the submission of a separate planning application.

The sheds and greenhouse as shown on the application drawings are situated to the northern part of the garden associated with Ambleside. Their position does not have an adverse impact on the wider landscape character particularly in view of the established site boundaries.

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 developments.

Recommendation:

Grant with Conditions



Date: 08 December 2022

