

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: Temporary change of use of land to parking for vehicles (retrospective).

LOCATION: Sai Yan, Lowlands Road, Vale.

APPLICANT: Mr P Hopkins

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: 29/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan, Block Layout Plan (both date stamped received 15th November 2022).

Application Ref: FULL/2022/2225

Property Ref: C00815A000

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.Notwithstanding the details submitted, this permission is given for a limited period, expiring on 29th March 2024, by which time all vehicles and other associated items shall be removed.

Reason - The retention of the development for a further period could prejudice or inhibit the comprehensive development of the Saltpans Housing Allocation.

3.The land shall be used only for the parking/storage of vehicles for the applicant's own personal/household use. There shall be no parking/storage of vehicles on a commercial basis and no buildings, sheds or other structures shall be erected, installed or placed on the land.

Reason - To protect the character and amenity of the locality and neighbour amenity.

Expiry Date: This permission will cease to have effect on 29/03/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Due to the adoption of the Development Framework and the prospect that housing development could be implemented in the near future, it is uncertain whether any further temporary permissions will be granted beyond March 2024, with any further permissions likely to be dependent upon the phasing of the development.

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/2022/2225
Property Ref: C00815A000
Valid date: 14/11/2022
Location: Sai Yan Lowlands Road Vale Guernsey GY3 5SZ
Proposal: Temporary change of use of land to parking for vehicles (retrospective).

Applicant: Mr P Hopkins

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. Notwithstanding the details submitted, this permission is given for a limited period, expiring on 29th March 2024, by which time all vehicles and other associated items shall be removed.

Reason - The retention of the development for a further period could prejudice or inhibit the comprehensive development of the Saltpans Housing Allocation.

3. The land shall be used only for the parking/storage of vehicles for the applicant's own personal/household use. There shall be no parking/storage of vehicles on a commercial basis and no buildings, sheds or other structures shall be erected, installed or placed on the land.

Reason - To protect the character and amenity of the locality and neighbour amenity.

INFORMATIVES

Due to the adoption of the Development Framework and the prospect that housing development could be implemented in the near future, it is uncertain whether any further temporary permissions will be granted beyond March 2024, with any further permissions likely to be dependent upon the phasing of the development.

OFFICER'S REPORT

Brief Description of the site:

The site is accessed off Lowlands Road which is to the east and is situated behind dwellings fronting onto the highway. The applicant is also the owner of one of the dwellings that bounds this parcel of the land to the east, Sai-Yan. The parcel of land previously formed part of a horticultural site to the west which was cleared between 1979 and 1990.

The site is in a Main Centre Outer Area and the Saltpans Housing Allocation as defined by the Island Development Plan.

Retrospective planning permission was granted in 2021 to allow a temporary change of use of agricultural land to be used for parking of vehicles. This permission was granted subject to planning conditions limiting the permission to a specified period, expiring on 20/03/2022 having regard to the Housing Allocation and only for the parking/storage of vehicles for the applicant (no commercial storage) and no buildings.

A further permission is now sought to continue using the agricultural land for the parking of vehicles. Clarification was sought over the description of the application in light of the application form. The applicant has confirmed that the proposed development is for a temporary period until further notice.

Relevant History:

FULL/2022/1503	Temporary change of use of land to parking for vehicles (retrospective).	Withdrawn
FULL/2021/1780	Temporary change of use of land to parking for vehicles (retrospective).	Granted

Existing Use(s):

Agricultural use class 28

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:

Policy MC2: Housing in Main Centres and Main Centre Outer Areas
Policy MC5(B): Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas – outside of the Key Industrial Areas and Key Industrial Expansion Areas
Policy GP1: Landscape Character and Open Land
Policy GP8: Design
Policy IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

As set out in the officer's report for application FULL/2021/1780, the proposed use to park/store vehicles on the land falls to be considered principally under Policies MC2 and MC5(B). The area in question forms part of the Saltpans Housing Allocation. This area is, therefore, expected to be developed for housing primarily and to contribute towards meeting the Island's housing requirements.

The proposed change of use is minor and inconsequential and, provided it is for a temporary period only, would not prejudice the outcome of a Development Framework and its implementation to provide the comprehensive development of an allocated housing site (MC2).

The development is to retain the existing unauthorised use of the land for the parking of vehicles. The use of the land for the parking of vehicles for the applicants own personal/household use, as opposed to parking on a commercial basis, would amount to a relatively low key use and is unlikely to result in any significant adverse impact on the amenities of neighbouring residents. Situated to the rear of dwellings which front onto the highway, the majority of the parcel of land is not visible from a public place.

It is however reasonable to enable the change of use for a temporary period of one year to give the applicant sufficient time to use the land without reapplying, whilst being conscious of the fact to not impede, or prevent the implementation of a Development Framework.

On this basis, and subject to appropriate conditions, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted.

Recommendation:

Grant with Conditions



Date: 23/03/23

