

**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 Manager's accommodation (Use Class 6) to Residential dwelling (Use Class 1).

**LOCATION:** Blue Horizon Hotel, Le Mont Durand, St. Martin.

**APPLICANT:** Blue Horizon Hotel Ltd

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:** 25/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Drawings: 2218/1 & /2.

**Application Ref:** FULL/2022/2259

**Property Ref:** J015350000

**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 dwellinghouse hereby permitted shall not be occupied until the vehicle charge points and solar collectors shown on the submitted plans have been installed and made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

5.The dwellinghouse hereby permitted shall not be occupied until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, including details of any new structure required for that purpose. Any new building shall be constructed in accordance with the approved details and the dwelling hereby permitted shall not be occupied until the agreed scheme has been fully implemented. The provision for cycles shall not be used for any other purpose.

Reason - To encourage the use of bicycles as an alternative to the car.

6.The bin store hereby approved shall not be constructed or placed on site until details of that structure have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature. This condition is imposed to make sure that the building is of satisfactory design and does not have any adverse impact on the character of the area.

7.The landscaping scheme as noted on drawing number 2218/1 shall be fully completed, in the first planting season following the first occupation of the development or completion of development whichever is the sooner, or in accordance

with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

**Expiry Date: This permission will cease to have effect on 24/01/2026 unless development is commenced by that date.**

**ADVICE AND OTHER REMARKS:-**

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

**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/2022/2259  
**Property Ref:** J015350000  
**Valid date:** 22/11/2022  
**Location:** Blue Horizon Hotel Le Mont Durand St. Martin Guernsey GY4 6DJ  
**Proposal:** Change of use of Manager's accommodation (Use Class 6) to Residential dwelling (Use Class 1).  
  
**Applicant:** Blue Horizon Hotel Ltd

**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 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.

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Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

5. The dwellinghouse hereby permitted shall not be occupied until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, including details of any new structure required for that purpose. Any new building shall be constructed in accordance with the approved details and the dwelling hereby permitted shall not be occupied until the agreed scheme has been fully implemented. The provision for cycles shall not be used for any other purpose.

Reason - To encourage the use of bicycles as an alternative to the car.

6. The bin store hereby approved shall not be constructed or placed on site until details of that structure have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature. This condition is imposed to make sure that the building is of satisfactory design and does not have any adverse impact on the character of the area.

7. The landscaping scheme as noted on drawing number 2218/1 shall be fully completed, in the first planting season following the first occupation of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

## **INFORMATIVES**

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

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## **OFFICER'S REPORT**

### **Site Description:**

The application site comprises the former Blue Horizon Hotel at Le Mont Durand, St Martin, now in use as a premises of multiple occupation. The site includes the main one and a half storey hotel building, a single storey ancillary staff accommodation/store block to the north of this and a detached single storey unit of ancillary staff/manager's accommodation to the east, along with amenity areas including a swimming pool to the north of the main building and two car parking areas situated respectively to the east and west of the hotel buildings.

Le Mont Durand is a no through road, becoming a green lane to the south east of the site. There are detached dwellings to the north, south and west of the site, with open agricultural land to the east and a strip of agricultural land immediately to the south.

The site is situated Outside of the Centres and is subject of no other designation in the Island Development Plan. The agricultural land to the south and east is designated an Agriculture Priority Area.

### **Relevant History:**

FULL/2022/0762 Change of use of hotel (Visitor Economy Use Class 7) to premises in multiple occupancy (Residential Use Class 6) with ancillary staff and manager's accommodation. Approved 30/05/2022

FULL/2010/2462 Erect detached staff house (revised). Approved 30/09/2010

### **Existing Use(s):**

Residential Use Class 6 – Premises in multiple occupancy with ancillary staff and manager's accommodation.

### **Brief Description of Development:**

Permission is sought for change of use of the manager's accommodation associated with the multiple occupancy use of the site to a separate 3 bed dwellinghouse, falling within Residential Use Class 1.

The land to the south of the building is proposed to be incorporated as domestic curtilage. Two parking spaces are to be associated with the new dwelling, located to the south-east of the curtilage, and would include electric vehicle charging points. Cycle and bin storage are also proposed in that area. Two solar collectors would be installed to the south roofslope of the dwelling.

In support of the proposals the following points are made:

- Staffing requirements for the site are minimal and staff live in accommodation at the back of the former hotel;
- The overall manager of the site does not live on site, an on site manager lives within the main building;
- An additional member of staff attends site on a daily basis but does not live on site;
- All other services are provided by independent contractors;
- The manager's accommodation is current vacant.

**Relevant Policies of any Plan, Subject Plan or Local Planning Brief:**

|         |                                                 |
|---------|-------------------------------------------------|
| OC1     | Housing Outside of the Centres                  |
| GP8     | Design                                          |
| GP9     | Sustainable Development                         |
| GP16(A) | Conversion of redundant buildings               |
| IP6     | Transport Infrastructure and Support Facilities |
| IP7     | Private and Communal Car Parking                |

**Representations:**

One letter of representation raising the following points:

- Impact of the proposed parking provision on access to the adjacent field, which has a right of way along the south boundary of the site;
- The right of way is currently breached by the parking provision, which has been marked out and is in use on site;
- Since the change of use there is considerable pressure on the southern car park, and the right of way is often blocked;
- Demonstrably, there is inadequate parking provision to serve the existing situation;
- The allocation of two spaces to the proposed dwelling will exacerbate parking issues;
- The generous allocation of amenity space would prevent further expansion of parking to resolve the current issues;
- If a change of use is approved the parking for that unit should be provided within the garden area associated with it.

**Consultations:**

*The Office for Environmental Health and Pollution Regulation* do not raise any objections.

**Summary of Issues:**

Impact on the character of the area;  
 Amenity of the proposed unit;  
 Amenity of surrounding residential property;

Parking provision;  
Impact on rights of way.

**Assessment against:**

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Policy OC1 provides for conversion of redundant buildings outside of the centres for the creation of new dwellings, where the proposal complies with the requirements of Policy GP16(A), which are addressed below.

A change of use was permitted for the whole of the application site, formerly comprising the Blue Horizon Hotel, to a premises of multiple occupation in 2022, including the building which forms the subject of this application, which was to be retained as staff and manager's accommodation. That change of use has been implemented however, as the operation has become established, it has been found that there is minimal requirement for on site staff, and the manager's accommodation is not required. On the basis of the information provided it is found that, whilst capable of being used for its last known purpose, the accommodation is no longer required.

The existing building was constructed in 2012, and, whilst currently vacant, has until recently been in residential use. These factors, together with a visit to the site, demonstrate that the building is of sound and substantial construction and a structural survey is not required in this case. No extensions or alterations are proposed to the building to facilitate the proposed conversion.

The building is a simple structure, located to the rear of the site. The building is not of particular character, is of very limited visibility from public vantage points within the area, and no alterations are proposed to the building itself. Physical alterations are limited to the creation of parking spaces and the erection of cycle and bin stores with associated planting, also located to the rear of the site. Whilst no details are provided of the cycle and bin stores, these are shown to be modest structures and the appearance of these structures can be controlled by condition. In light of the above, the proposals would have a negligible impact on the wider character of the area. There are no protected buildings in the vicinity.

The proposals would be located within the existing curtilage of the site, and would not project into or adversely impact on open land.

The proposal would comprise an alternative form of residential use, with the limited physical alterations proposed set away from the boundaries with adjacent residential properties. The proposal will not therefore have any adverse impacts on the

amenity of those properties. The proposal would result in a reduction in the amenity areas serving the accommodation within the main building, however the occupiers of that accommodation would retain access to the swimming pool area and the grassed area to the south-west of the building, and the proposal would not unreasonably reduce the amenity of those occupying that building.

In light of the above, the proposal would comply with Policy GP16(A).

Policies GP8, GP9, IP6 and IP7 would also be relevant to the consideration of this application.

In respect of GP8 and GP9, impacts relating to design and the character of the area have been addressed above. The building as constructed was designed to provide single storey living with disability compliant access and to address the requirements of lifetime homes standards. The existing accommodation is therefore accessible for all, and the current proposal includes enhancements to the curtilage to improve external access. The layout of the building and the size of the associated curtilage would also enable the building to be adaptable to future needs. The internal amenity of the building would be appropriate, and the new dwelling would be served by ample external amenity space. It is noted that the amenity space is overlooked by windows in the main building, however the majority of these are at ground floor level and there would be opportunity for the future occupiers to improve the intervening boundary if desired. It is not considered necessary to require these enhancements at this time.

The building is a Hanse house, and benefits from the high levels of energy efficiency associated with that form of construction. The current proposal however includes the addition of two solar collectors to the south roof of the building and electric vehicle charge points are to be provided for the proposed parking spaces, further enhancing the sustainable design of the building.

As noted above, cycle storage is to be provided, in accordance with IP6. It is however noted that an existing shed is also to be retained within the domestic curtilage and, should it be demonstrated that this shed can be used for the storage of cycles, it may not be necessary to provide separate additional cycle storage.

Two parking spaces would be associated with the proposed dwelling. One of these spaces would comprise an existing space within the tarmacked parking area, and one would be located on a gravelled area in the north-east corner. There are no proposals to alter the hardsurfacing. The number of spaces proposed would be appropriate for the size of dwelling formed, although it is noted that the layout of the car park would be likely to impede access to the gravelled space. This could however be managed between the two spaces associated with the dwellinghouse.

The proposal would result in the loss of one space currently serving the premises of multiple occupation. It is however noted in the covering letter that this space is currently allocated for use in association with the manager's accommodation and

the proposal would not therefore result in the loss of a space for the premises in multiple occupation. In respect of the previous application for change of use of the site, the application report noted that 20 car parking spaces were provided at the site, within two parking areas, and this was considered proportionate and adequate to serve the proposed use. The current application relates to the change of use of the staff/manager's accommodation and does not provide an opportunity to revisit parking provision for the whole site. The loss of a single parking space as proposed would not significantly alter parking provision for the remainder of the site, and would not amount to a reason to refuse the application.

The proposal would not result in an intensification of use of the site, and would not therefore raise any additional road safety considerations.

In respect of the right of way to the adjacent field, the grant of planning permission cannot override any existing legal rights and privileges. From an aerial photograph regression it appears that, whilst this area has comprised parking associated with the hotel for some time, it was surfaced in tarmac and formally marked out between 2013 and 2016. This work pre-dated the change of use to a premises of multiple occupation and would have comprised exempt development that would not have required planning permission. The layout of the parking area was not subject to planning control and the current application would not provide an opportunity to seek alterations to the layout.

The proposal accords with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

**Date: 23/01/23**

