

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 detached garage of dwelling (Use Class 1) for personal training studio (Residential Use Class 5). (Retrospective).

LOCATION: 1 Les Cottés Cottage, Rue Des Cottés, St. Sampson.

APPLICANT: Mr & Mrs J & A Martin

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: 13/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Block Layout Plan, Plan labelled Gym and letter from Ali Martin dated 17/12/2022

Application Ref: FULL/2022/2282

Property Ref: B018830000

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.

3. Notwithstanding the information contained in the letter from the applicant dated 17/12/2022 this permission relates to the use of this dwelling for the home based business operated only by the applicant, Mr and Mrs Martin in accordance with the details contained in the submission. The permission does not make provision for the personal training gym to be let to other businesses for the same purpose, in accordance with the provisions of Residential use class 5 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. On the cessation of the hereby approved personal training gym purpose, the dwelling shall revert to use as a single dwellinghouse, as defined in Residential Use Class 1 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.

Reason - For the avoidance of doubt and to allow return to use as a single dwellinghouse without the need for a further grant of planning permission.

Expiry Date: This permission will cease to have effect on 12/02/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please note that the decision to grant planning permission is based on the information contained in your letter dated 17/12/2022. This indicates that your proposal involves home working and thus falls within Residential use class 5 of the Land Planning and Development (Use Classes) Ordinance, 2017. This is defined as:

'Use of any dwelling principally as a permanent residence for one household but also, by a member of that household, for professional or business purposes or retail trade or business and carried on in not more than two rooms but which does not involve -

(a) storage of hazardous or odorous materials,

(b) a use falling within use classes 26 or 27 or for any general, or special industrial purpose, or

(c) any other use which could not be carried on without material detrimental effects on a neighbouring property.'

Any significant change in the way in which the business is run from that described in the above letter may mean that the use no longer falls within Residential use class 5, thus resulting in the need for 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/2022/2282
Property Ref: B018830000
Valid date: 10/01/2023
Location: 1 Les Cottés Cottage Rue Des Cottés St. Sampson Guernsey
GY2 4TZ
Proposal: Change of use of detached garage of dwelling (Use Class 1) for
personal training studio (Residential Use Class 5).
(Retrospective).
Applicant: Mr & Mrs J & A Martin

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.

3. Notwithstanding the information contained in the letter from the applicant dated 17/12/2022 this permission relates to the use of this dwelling for the home based business operated only by the applicant, Mr and Mrs Martin in accordance with the details contained in the submission. The permission does not make provision for the personal training gym to be let to other businesses for the same purpose, in accordance with the provisions of Residential use class 5 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. On the cessation

of the hereby approved personal training gym purpose, the dwelling shall revert to use as a single dwellinghouse, as defined in Residential Use Class 1 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.

Reason - For the avoidance of doubt and to allow return to use as a single dwellinghouse without the need for a further grant of planning permission.

INFORMATIVES

Please note that the decision to grant planning permission is based on the information contained in your letter dated 17/12/2022. This indicates that your proposal involves home working and thus falls within Residential use class 5 of the Land Planning and Development (Use Classes) Ordinance, 2017. This is defined as:

'Use of any dwelling principally as a permanent residence for one household but also, by a member of that household, for professional or business purposes or retail trade or business and carried on in not more than two rooms but which does not involve -

(a) storage of hazardous or odorous materials,

(b) a use falling within use classes 26 or 27 or for any general, or special industrial purpose, or

(c) any other use which could not be carried on without material detrimental effects on a neighbouring property.'

Any significant change in the way in which the business is run from that described in the above letter may mean that the use no longer falls within Residential use class 5, thus resulting in the need for a separate grant of planning permission.

OFFICER'S REPORT

Brief Description of the site:

1 Les Cottés Cottages, Rue Des Cottés is a detached one and a half-storey dwelling to the north of Rue Des Cottés. A large area of hardstanding exists to the front and side of the dwelling. A detached outbuilding exists adjacent to the east site boundary. Dwellings are situated to the east and west of the site whilst to the south of Rue Des Cottés is open and undeveloped agricultural land.

The application relates to the use of the garage/outbuilding (originally used as a home gym) for a personal training business operated by the occupier of 1 Les Cottres. The submission confirms that there is space for 6 – 8 cars on site and the gym building is accessible for wheelchair users. Training sessions are either 1:1 or 2:1 although small group sessions are run three times a week for 4 – 8 people. The hours of operation are confirmed as being 6.30am – 2pm Monday to Friday and 5pm – 7pm on Tuesday. The applicant indicates that the space may be rented out to other personal trainers between 3.30 – 5.30 one or two days a week but that currently this does not occur and no other people are currently employed in connection with the business. Quiet/background music is currently played during sessions.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2015/2990 - Demolish outbuilding and sheds, remove hedge, erect garage/store and shed and alter yard and steps - granted

Existing Use(s):

01 dwellinghouse

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

Island Development Plan policies:

GP8: Design

GP14: Home Based Employment

IP7: Private and Communal Car Parking

Conclusion/Brief comment:

Policy GP14: Home Based Employment makes provision for the use of part of a dwelling for a business to be carried out by the occupier of the dwelling. Such uses should generally employ a low number of people, have a low intensity use and are of an appropriate scale for the area.

To operate a personal training business from the site can represent home-based employment provided there would not be an adverse impact on neighbour amenity and the area (criteria b). As the business operates from an ancillary outbuilding and the entire dwelling remains in use by the occupiers of the dwelling the principal use of the site clearly remains as a residential use by the occupier.

To rent the space to other trainers, albeit on a limited basis, would not represent employees of the business and may represent an intensification of the use and could materially change the use and its impact on residential amenity. It is reasonable therefore, to limit the permission to the applicant. Should any changes occur in terms of business operation, employees or hours then the applicant should contact the Planning Service.

The building is situated away from residential neighbours and is set into the bank of the adjoining higher open ground to the east. It is situated to the rear of the dwelling and is not highly visible in the local area. Its use for personal training will not result in harm to the amenities of the area.

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.

On the basis of the above it is recommended permission is granted for the change of use proposed.

Recommendation:

Grant with Conditions



Date: 07 February 2023