

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: Extend outbuilding to east and west elevations and alter existing fenestration and alter the existing pigsty.

LOCATION: Boothai, Le Bigard, Forest.

APPLICANT: Mr P Harnett

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: 24/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Torode Architects: 6295-01E, 02B, 03 & 04A

Application Ref: FULL/2023/1097

Property Ref: H00023A000

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 23/08/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the additional accommodation shall be used as an integral part of and incidental to the principal dwelling presently known as Boothai and should not form a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the domestic curtilage associated with the dwelling presently known as Boothai. The land recognised as domestic curtilage by the Authority is identified on the plan enclosed with this decision notice.

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/2023/1097
Property Ref: H00023A000
Valid date: 27/07/2023
Location: Boothai Le Bigard Forest Guernsey GY8 0HU
Proposal: Extend outbuilding to east and west elevations and alter existing fenestration and alter the existing pigsty.

Applicant: Mr P Harnett

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 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.

INFORMATIVES

For the avoidance of doubt, the additional accommodation shall be used as an integral part of and incidental to the principal dwelling presently known as Boothai and should not form a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the domestic curtilage associated with the dwelling presently known as Boothai. The land recognised as domestic curtilage by the Authority is identified on the plan enclosed with this decision notice.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached residential property with detached outbuilding situated to the north of Le Bigard and to the east of Le Cas Rouge. Surrounding the site, the area comprises residential properties and agricultural fields.

The site is accessed along a gravel track which provides access to several other neighbouring properties and links to New Road to the north.

The site is situated Outside of the Centres and within the APA as designated in the Island Development Plan.

Relevant History:

CURT/2022/1362	Definition of Curtilage	08/07/2022
FULL/2009/3190	Install air conditioning unit on garage wall.	Granted 16/11/2009
PAPP/2004/1224	Variations to works previously approved to erect replacement garage	Granted 02/04/2004
PAPP/2003/3765	Resite replacement garage	Granted 19/01/2004
PAPP/2003/1982	Demolish existing and erect replacement garage	Granted 09/07/2003
PAPP/2001/3494	Remove existing and construct an enlarged conservatory	Granted 13/11/2001
PAPP/1998/4190	Demolish glasshouse, erect conservatory and extend patio.	Granted 08/12/1998

Existing Use(s):

Residential – Use Class 1
Agriculture – 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:

GP8: Design
GP9: Sustainable development
GP13: Householder development

Conclusion/Brief comment:

As part of the application and as stated within the covering letter that accompanies the application, planning permission was initially sought amongst other things to convert and extend the existing garage at the site to create a dower unit. However as stated within Planning Advice Note 1: Dower Units: *“where an outbuilding within the domestic curtilage including a garage is converted to form an additional room or rooms to be occupied as part of the dwelling, there will be no material change of use and no need for planning permission. One type of residential use is simply being replaced by another.”*

In the case of the application site there is no condition on the original permission for the garage requiring it to be retained for vehicle parking. The conversion of the garage into a dower unit does not require permission. Permission is therefore sought to extend the existing outbuilding to the east and west, alterations to the fenestration and to alter the existing pigsty and the description of development has been altered to reflect this.

Notwithstanding the above, the resultant dower unit would be of a size that could easily provide the level of accommodation required for day to day living as a separate residential unit which would require different policy considerations and would be precluded in an Out of Centre location such as this. However, in support of the application the applicant’s agent by letter (dated 26/04/2023) has confirmed that the dower unit will be used for a purpose ancillary to the main use of the dwelling house by the applicant’s elderly mother. The letter confirms that the garden space, utilities and storage will all be shared with the occupiers of the main dwelling and that main meals will be taken in the main dwelling. Although the floor space of the dower unit is relatively generous, the relationship of the occupiers of the dower

unit and the principal dwelling, the nature of use and facilities to be shared indicate that the additional accommodation would be subsidiary to and dependent upon the principal dwelling unit. In addition, the size and layout of the site and the relationship between the principal dwelling and the outbuilding would not enable the site to be easily subdivided without compromising the amenity of both the outbuilding and the principal dwelling. Sufficient information has therefore been provided to demonstrate that the proposal will be used for ancillary domestic purpose and would not engage other planning policy considerations.

The proposed extensions/alterations to the outbuilding and the alterations to the pigsty are of an appropriate scale, mass and form so as not to detract from the openness of the surrounding area. Given the location of the site, and the level of boundary screening and that it is not visible from surrounding roads, the proposal will not negatively impact on the character or appearance of the surrounding area. The design of the proposal and the materials to be used will be in-keeping with the existing dwelling and the character and appearance of the surrounding area.

Given the position of the proposal and its distance from any neighbouring residential properties, it will not have any significant impact on the amenities afforded by the occupiers with regard to sunlight, daylight or loss of privacy.

It is recommended that, for the avoidance of any doubt, an informative is included on any permission to ensure that the accommodation remains ancillary to the main dwellinghouse.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

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.

Recommendation:

Grant with Conditions



Date: 24/08/2023

