

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 outbuilding (Residential Use Class 1) to self-catering unit (Visitor Economy Use Class 8). Raise roof ridge height, extend, install flue and alterations to fenestration.

LOCATION: Les Portelettes, Rue Des Portelettes, Torteval.

APPLICANT: Mr & Mrs Le Couteur

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: 29/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Soup Architects - 431.100

Application Ref: FULL/2023/1226

Property Ref: G004690000

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 use hereby permitted shall be operated only by the occupants of the adjacent dwelling currently known as Les Portelettes and, should the approved use cease, the outbuilding shall revert to accommodation ancillary and incidental to the residential use of that dwelling under 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 - Taking into account the siting and relationship of the outbuilding to the existing dwelling, the independent operation of the visitor use would likely raise amenity issues.

5.The ground floor window in the west elevation shall be glazed with obscure glass to a minimum of Pilkington Level 3, or equivalent, and shall thereafter be retained in perpetuity.

Reason - To minimise the effect of the development on the privacy and amenities of Stallende.

Expiry Date: This permission will cease to have effect on 28/08/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Planning permission is hereby granted for the use of the building as self-catering holiday accommodation (Visitor Economy Use Class 8). Whilst the accommodation can be used for winter lets outside of the tourist holiday season, between 1st November and 31st March each year, any use as a winter let must cease by the 31st March and

the accommodation made ready and available for use as self-catering holiday accommodation between 1st April to 31st October each year.

Further information about the use of tourist accommodation for winter lets can be found on the Planning Service website: <https://gov.gg/needpermission>

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats or other wildlife may be roosting and nesting and measures may therefore need to be taken (including consideration of the timing of the works and an inspection by a suitably qualified person prior to the commencement of any building work) to ensure that any protected species present are not impacted by the works and to make provision to support associated wildlife in the long term. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

Your attention is brought to the issue of avoidable light pollution and its effects on the natural environment and associated wildlife, in particular bats. The existing landscape is not currently subject to extensive artificial lighting and it is therefore requested that external lighting be avoided or kept to a minimum as much as possible.

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/2023/1226
Property Ref: G004690000
Valid date: 20/07/2023
Location: Les Portelettes Rue Des Portelettes Torteval Guernsey GY8 OPU
Proposal: Change of use of outbuilding (Residential Use Class 1) to self-catering unit (Visitor Economy Use Class 8). Raise roof ridge height, extend, install flue and alterations to fenestration.
Applicant: Mr & Mrs Le Couteur

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.

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Reason - Taking into account the siting and relationship of the outbuilding to the existing dwelling, the independent operation of the visitor use would likely raise amenity issues.

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Reason - To minimise the effect of the development on the privacy and amenities of Stallende.

INFORMATIVES

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OFFICER'S REPORT

Brief Description of the site:

Les Portelettes is a large, semi-detached dwelling with attached neighbour to the north. To the immediate east of the building, adjacent to the neighbouring property is a detached outbuilding identified in the submission as a former pump house. This building has a brick and granite exterior and pantile roof and is in poor condition, with the roof held up by acroprops and much of it covered in ivy etc. There is a window and door in the west elevation of the building and high gable windows in both the east and west gables. A clearstory of windows exists on the north elevation. An area of hardstanding/parking exists to both the north and south of the building.

Stallende is attached to the north elevation of Les Portelettes and has a glazed door opposite the door of the existing outbuilding. There are various windows and a door in the east elevation of Les Portelettes facing the building and adjoining parking area.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan. The property is a pre-1900 building.

Relevant History:

Pre-application advice was sought in this case.

FULL/2022/

Existing Use(s):

01 dwellinghouse
28 agriculture

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:

OC8(A): Visitor Accommodation Outside of the Centres - New, Extension, Alteration or Redevelopment of Existing Uses

GP8: Design
GP9: Sustainable Development
IP7: Private and Communal Car Parking

Representation:

La Societe Guerneslaise - We would like to highlight that buildings of this type can be used by roosting bats, breeding Swallows and other wildlife. This likelihood can increase when the property is located within a variable landscape with habitats such as farmland or woodland nearby.

If this application is considered further, we would recommend that the building be inspected for current or recent use by bats and other wildlife by a suitably qualified person prior to any building works. This would reduce the risk of disturbing or destroying animals which are legally protected under the Animal Welfare Ordinance 2012.

We would also recommend that the development proposals include adequate provision to support targeted species of birds and bats.

Informative notes are recommended regarding an inspection of the building prior to work being undertaken and highlighting the issue of light pollution.

Conclusion/Brief comment:

Policy OC8(A) supports new visitor accommodation Outside of the Centres where it is created through the change of use of an existing building as is the case of the domestic outbuilding at Les Portelettes. The development is of a scale appropriate to the character of the location and will not detract from the openness and landscape character of the area both given the existing building on the site and the previous permission to extend and alter it. The scale of extension proposed is considered proportionate to the level of visitor accommodation proposed.

Planning permission has previously been granted to extend and alter the building and the current scheme is similar to the previously approved dower scheme in many respects. As per the previously approved scheme the application proposes the demolition of the south wall of the outbuilding and the removal of the roof in order to enlarge the building by constructing an extension to the south and raising the ridge height to accommodate the enlarged footprint. The building would retain a granite exterior and pantile roof and with retained north, east and west elevations albeit with alterations to fenestration to the north elevation where a revised clearstory of windows is proposed along with the main access door which will enable the existing entrance door, which sits below the level of steps to its west elevation, to be infilled. Internally, as previously approved, the walls are to be lined and the accommodation would comprise an open plan, studio layout offering a kitchen, living area and bed in the main space along with a shower room and coat/clothes rail.

The small pump house is situated to the front of the site and is visible in the street above the roadside wall. Whilst the proposed works would increase the footprint and height of the building overall the building would remain subservient on the site. The works to the building have been limited and the materials, design and appearance represent a good standard of design that respects the local built environment.

The enlargement of the building will not have an unacceptable impact on the amenities of the adjoining dwelling with regard to overshadowing and loss of light. The windows in the north and east elevations will not result in unacceptable overlooking or loss of privacy to the adjoining residential property. The ground floor window in the west elevation is secondary and could reasonably be conditioned to be obscure glazed to mitigate the potential for overlooking to the glazed door at Stallende and infilling the existing entrance door will also reduce mutual overlooking between the main house and visitor accommodation proposed. The high gable window will not impact on privacy.

Although the fenestration is primarily north facing the building would still be served by adequate sunlight. The accommodation would be served by stepped access but internally it would be on a single level with regard to access to and within the building for people of all ages and abilities.

Although the accommodation will have a separate access the relationship between the accommodation and main house, including the close proximity of the buildings to one another and the overall size of accommodation is such that it could not readily be subdivided and separated to form a unit of residential accommodation. This matter can be managed by a combination of planning conditions and informative notes.

There is adequate parking (to either the north or south of the building) to serve the main house and visitor accommodation as proposed.

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 permission is granted for the development as outlined in this application.

Recommendation:

Grant with Conditions



Date: 29/08/2023

