

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: Erect single storey outbuilding/garden room and shed to north of property.

LOCATION: Iona, Rue Mahaut, St. Saviour.

APPLICANT: Mr D Chamberlain

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: 01/09/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Steve de Vial & Company Ltd: Date Sheet 1 & 2, Block Layout Plan & Data Sheet 3

Application Ref: FULL/2023/1292

Property Ref: E004550000+E004540000

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.Prior to the construction of the hereby approved garden room full details of the tree planting scheme, noting the species, numbers and sizes of plants shall be submitted to and agreed in writing by the Authority.

Reason - To ensure that the planting scheme is agreed prior to the garden room being erected on site.

5.The tree planting scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the completion of the garden room, or its first use (which ever is the sooner). Any trees removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting, shall be replaced in the following planting season by trees of a size and species similar to those originally required to be planted.

Reason - To ensure that the planting scheme is carried out in a suitable timeframe in order to assimilate the development into its landscape.

Expiry Date: This permission will cease to have effect on 31/08/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed shed and/or garden room to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require 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/2023/1292
Property Ref: E004550000+E004540000
Valid date: 04/08/2023
Location: Iona Rue Mahaut St. Saviour Guernsey GY7 9XB
Proposal: Erect single storey outbuilding/garden room and shed to north of property.

Applicant: Mr D Chamberlain

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.

4. Prior to the construction of the hereby approved garden room full details of the tree planting scheme, noting the species, numbers and sizes of plants shall be submitted to and agreed in writing by the Authority.

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Reason - To ensure that the planting scheme is carried out in a suitable timeframe in order to assimilate the development into its landscape.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed shed and/or garden room to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

OFFICER'S REPORT

Brief Description of the site:

The application site is situated Outside of the Centres as defined in the Island Development Plan.

"Iona" comprises a detached bungalow facing onto Route De La Marette. The dwelling-house was bounded to the north by a former vinery site which is now recognised as domestic curtilage following a change of use of land in 2018 (FULL/2018/2131).

The agricultural structures and remnants of its former horticultural use, including a brick chimney, packing shed, hardstanding and foundations of the glasshouses have been removed as part of application FULL/2018/2131.

The site is visible in public views to the east and west of the site along Rue Mahaut and Route De La Marette.

Planning permission is sought to erect a single storey outbuilding/garden room and a shed to the north of the property. The agent has confirmed that the garden room is not to be used in association with a trade or business.

Relevant History:

FULL/2018/2131	Change of use of agricultural land to domestic garden	Granted
FULL/2020/0434	Erect single storey extension to east (rear) elevation, install balcony and alter fenestration to 1st floor north (side) elevation, erect gate to north boundary and erect fence to east boundary.	Granted

Existing Use(s):

Residential – dwelling-house and land to the north.

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:

GP1 Landscape Character and Open Land
GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Conclusion/Brief comment:

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.

Despite the change of use granted in 2018, the land in question is open in nature and therefore inappropriate development could cause harm to the character of this open location, particularly as it is highly visible from multiple vantage points.

Although, despite being located in the approved area of domestic curtilage which is visible from both Rue Mahaut and Route De La Marette, the garden room will be set near the periphery of an established boundary. In addition, the proposed tree planting scheme on either side of the structure, is likely to successfully mitigate any harm on visual amenity or that could undermine the open character of this open

location. Moreover, the proposed garden room adopts a high standard of design by virtue of its scale, form, massing, and materials.

Consequently, the proposal would comply with criterion 'b' of Policy GP13.

The shed is set closer to the dwelling-house and therefore is less visible from public vantage points and adopts a satisfactory standard of design.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the proposal will not have a detrimental impact on the landscape character of the surrounding area, visual amenity, or the amenities of neighbouring residents. The application is considered compliant with the relevant Island Development Plan policies, accords with the purpose of the Law, and the requirements of the material considerations; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 01/09/23

