

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: Install rooflight to north (front) and south (rear) elevations and internal alterations to outbuilding. (Protected Building).

LOCATION: Coutanchez Farm, Route Des Coutanchez, St. Peter Port.

APPLICANT: Mr & Mrs S Holden

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: 20/09/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd: 6201/C/2

Application Ref: FULL/2023/1318

Property Ref: A10118A000

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 rooflights hereby approved shall be fitted flush with the roof plane in which they are situated.

Reason - In the interests of visual amenity and the special interest of the Protected Building.

5.Prior to the commencement of any work in connection therewith details of the position, size and external appearance of all new vents and extractors shall be 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 details of the proposed features. This condition is imposed to make sure that the works would not have a detrimental impact on the special interest of the Protected Building.

Expiry Date: This permission will cease to have effect on 19/09/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the outbuilding remains as a domestic outbuilding associated with the dwelling currently known as Coutanchez Farm. The works hereby approve not permit the creation of a separately occupied annex or an independent dwelling which would require a separate grant of planning permission and involve different planning policy considerations.

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/2023/1318
Property Ref: A10118A000
Valid date: 18/08/2023
Location: Coutanchez Farm Route Des Coutanchez St. Peter Port
Guernsey GY1 2TY
Proposal: Install rooflight to north (front) and south (rear) elevations
and internal alterations to outbuilding. (Protected Building).

Applicant: Mr & Mrs S Holden

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. The rooflights hereby approved shall be fitted flush with the roof plane in which they are situated.

Reason - In the interests of visual amenity and the special interest of the Protected Building.

5. Prior to the commencement of any work in connection therewith details of the position, size and external appearance of all new vents and extractors shall be 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 details of the proposed features. This condition is imposed to make sure that the works would not have a detrimental impact on the special interest of the Protected Building.

INFORMATIVES

For the avoidance of doubt, the outbuilding remains as a domestic outbuilding associated with the dwelling currently known as Coutanchez Farm. The works hereby approve not permit the creation of a separately occupied annex or an independent dwelling which would require a separate grant of planning permission and involve different planning policy considerations.

OFFICER'S REPORT

Brief Description of the site:

Coutanchez Farm is a detached dwelling situated to the west of Route des Coutanchez with vehicular access to the south of the main house and a two-storey granite barn situated along the southern boundary with gable end onto the road. Residential properties exist to the east of the site whilst land to the north, south and west is open and undeveloped.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan. The property and outbuilding are protected buildings.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

01 dwellinghouse

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

x
x
x
x

visual amenity acceptable
no material neighbour impact
traffic not affected

x
x
x

Policies considered most relevant:

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Conclusion/Brief comment:

The application description given by the Authority and as publicly advertised was, amongst other things, to create a dower unit within the existing outbuilding at the site. 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.”*

The conversion of the domestic outbuilding into a dower unit does not require permission. Permission is therefore sought to insert rooflights to the front and rear roofslopes and to make internal alterations to the building in connection with its use as ancillary accommodation associated with Coutanchez Farm. The description of development has been altered to reflect this.

The proposed layout plan shows an open plan living, kitchenette and games area at first floor with a hall, bathroom, gym and study area on the ground floor. However, the accommodation may be used for any other purpose which is incidental to the enjoyment of the dwelling. This may include but is not limited to use as a craft room, storage, ancillary living accommodation, home office etc.

Notwithstanding the above, the resultant accommodation 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. The application has been accompanied by a letter setting out that the proposal is to upgrade the internal

space to a suitable standard for living and the enjoyment of the family and that it will remain ancillary to the main house. The application also refers to the need for a separate application for the use of the building as independent accommodation and limiting planning conditions where necessary. The submission refers to the Rural Area Plan which was superseded in 2016 but uses these in order to clarify the various ancillary domestic uses that could be undertaken within the building.

The layout of the site is such that vehicular access would be shared and there is no division of existing domestic garden area. It is noted that the submission does not indicate any form of division of the existing domestic garden and the buildings are closely related with direct overlooking between the outbuilding and kitchen windows in the south elevation of the main house. The first floor windows of the outbuilding also offer direct views into the patio area to the immediate rear of the main house. As such, the site layout 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.

The proposed internal and external alterations represent a good standard of design that will not result in harm to the character and appearance of the locality, residential amenity or the special interest of the Protected Building in accordance with the aims of the Island Development Plan.

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 that permission is granted for the physical works proposed, subject to conditions relating to new external vents and flush fitting rooflights. An informative note may be placed on the permission relating to the ancillary domestic use of the accommodation. The submission acknowledges, on numerous occasions, that the formation of a dwellinghouse would require a separate application and different policy considerations.

Recommendation:

Grant with Conditions



Date: 18/09/2023

