

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 detached garage/store to west boundary (revised scheme).

LOCATION: Saska, Rue du Tertre, Vale.

APPLICANT: Mr & Mrs J Smith

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: 14/09/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Limited - PD/01A and 02A.

Application Ref: FULL/2023/1426

Property Ref: C011350000

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 13/09/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the erection of a detached domestic outbuilding/garage to be used for purposes incidental to the principal dwelling presently known as Saska. It does not permit the creation of a separately occupied annex or an independent dwelling. This 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/2023/1426
Property Ref: C011350000
Valid date: 10/08/2023
Location: Saska Rue du Tertre Vale Guernsey GY3 5QF
Proposal: Erect single storey detached garage/store to west boundary (revised scheme).

Applicant: Mr & Mrs J Smith

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, this decision permits the erection of a detached domestic outbuilding/garage to be used for purposes incidental to the principal dwelling presently known as Saska. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

OFFICER'S REPORT

Brief Description of the site:

Saska is a detached property located to the west of Rue du Tertre. The property benefits from two vehicular access points, one to the north and the other to the south of the east boundary with Rue du Tertre. The property is situated between two roads, Rue de L'Essart to the west, with this roadside boundary marked by a bank and hedgerow.

The application relates to the erection of a detached single-storey building containing a three bay garage and motorbike/garden store. The building is to have a hipped, slate roof and horizontal painted timber cladding to the exterior.

The site is located Outside of the Centres.

Relevant History:

FULL/2015/0957 - Change of use of agricultural land to domestic curtilage (retrospective) – granted

FULL/2015/2728 - Demolish existing and erect replacement shed to rear of property (retrospective) – granted

FULL/2017/2480 - Remove roadside hedge and wall in connection with alterations to vehicular access and replace wall with fence (side/south boundary) - granted

FULL/2017/3158 - Extend domestic curtilage (retrospective) and erect glasshouse to rear of property – granted

FULL/2023/1122 - Erect 1.5 storey detached garage with room above to west boundary – refused, for the following reason:

The proposed detached outbuilding, by virtue of its size, scale and proximity to and relationship with Rue De L'Essart would appear unduly obtrusive, out of keeping with the rural character and visual amenities of the lane. The scheme is therefore contrary to Policy GP8 c. of the Island Development Plan.

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:

GP13: Householder Development

GP8: Design

GP9: Sustainable Development

Conclusion/Brief comment:

The site is situated on the edge of the lowlands landscape (lowland hills) as set out in Annex V of the IDP. Rue De L'Essart, to the west of the site, is a rural lane with open and undeveloped agricultural land to both the south and west of Saska. The land to the immediate north forms part of the domestic garden of the adjoining dwelling but is currently open and visible in the lane. Hedges exist to the west boundary of the application site and trees/hedges also form the eastern edge of Rue De Essart when travelling south. The design and appearance of dwellings is varied but residential properties are primarily situated fronting Rue Du Tertre and in the case of domestic outbuildings these are modest in their size and scale.

The outbuilding would create a four-bay garage, more than 12m long, positioned close to the roadside boundary with Rue de L'Essart. The height of the building has been reduced since the earlier refused permission (from 5.8m to approximately 4.16m in height).

The principle of erection an ancillary domestic outbuilding is acceptable and the proposal represents a good standard of design. The building will not result in harm to neighbour amenity and the height and bulk of the building is considered more appropriate to the rural setting particularly given the shallow pitch of the roof and the introduction of hip ends to further reduce the bulk of the building when viewed in the street scene.

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 proposed development.

Recommendation:
Grant with Conditions



Date: 12/09/2023

