

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: Convert 2 existing flats (Use Class 2) into 1 dwelling (Use Class 1) with associated works.

LOCATION: L'Atelier, The Rosses, Les Eturs Road, Castel.

APPLICANT: Mr K Higgs

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: 24/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan (dated 05/09/23), Site plan, ground and first floor plans and elevation (all dated 23/08/23).

Application Ref: FULL/2023/1479

Property Ref: D00858A000

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 23/11/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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/2023/1479
Property Ref: D00858A000
Valid date: 05/09/2023
Location: L'Atelier The Rosses Les Eturs Road Castel Guernsey GY5 7DX
Proposal: Convert 2 existing flats (Use Class 2) into 1 dwelling (Use Class 1) with associated works.

Applicant: Mr K Higgs

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.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'The Rosses' is a farmstead comprising a main dwelling, stables, a converted barn (now three units of accommodation), several smaller out buildings and agricultural land. There is a neighbouring dwelling and assorted buildings attached to the converted barn to the north, Rue des Deslisles runs along the northwest boundary, there are three detached neighbours along the south boundary and open fields to the east, in the same ownership. The property is located Outside of the Centres and is within an Agriculture Priority Area as defined in the Island Development Plan.

Relevant History:

FULL/2021/1667 - Reconfigure one dwelling and two flats to 3 dwellings, erect two storey extension with 1st floor balcony to west elevation and demolish shed and outbuildings – Approved November 2021.

Existing Use(s):

Residential use class 1: dwelling house.

Residential use class 2: flats.

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:

OC1: Housing Outside of the Centres

GP8: Design

GP9: Sustainable Development

GP12: Protection of Housing Stock

GP13: Householder Development

Conclusion/Brief comment:

This application is essentially a scaled down version of the previously approved application. Reconfiguring one dwelling and two flats into two dwellings. The existing

dwelling will remain as is and the two flats will be returned back into a single dwelling, with a new internal staircase.

The external appearance of the building will not be altered in anyway, all the small changes are internal and would not impact on the character and appearance of the surrounding area. The changes would not impact on any neighbour amenity.

As there has previously been permission to create three dwellings from the two flats and a dwelling, with a large extension; it seems logical that reducing the plans by omitting the extension and only creating two dwellings, would be acceptable. However, as there is to be a reduction in the number of units, policy GP12 is activated.

Criteria a) of policy GP12 states that the application can be supported if it *'can be demonstrated that the accommodation is substandard by virtue of its size, location, form of construction or means of access to it and there is no reasonable way of upgrading the accommodation to provide satisfactory living conditions.'*

The first floor flats only access is by an external staircase, which is poor condition; it has no outdoor private amenity space, and even if the unit was upgraded the land belongs to the applicants parents who would not grant access on their land, thus leaving an upgraded unit empty and vacant.

Therefore, in this instance, policy GP12(a) is considered to be complied with because there is a substandard access, no amenity and no grant of access across the land.

Policy GP9, Sustainable Development, seeks to ensure all new development takes into account the use of energy and resources and any adverse impacts on the environment. There has been sufficient information provided with the application to comply with the requirements of this policy.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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: 21/11/2023

