

**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:** Replace door to south-east (side) elevation, (retrospective).  
(Protected Building).

**LOCATION:** Kinnear Cottage, Rohais De Haut, St. Andrew.

**APPLICANT:** Mr T Le Poidevin

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:** 29/12/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 09/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Block layout plan (date stamped received 25th October 2023) and photographs of replacement door (date stamped received 9th November 2023).

**Application Ref:** FULL/2023/2012

**Property Ref:** K000610000

**Conditions and reasons:-**

1.No development shall commence on site until details of the siting, design and external appearance of the proposed building[s], the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the Authority and the development shall thereafter be carried out as approved.

Reason - To ensure, as an outline permission is being granted, that development may not begin until all the matters reserved for subsequent approval have been approved by the Authority.

2.Application for approval of the reserved matters shall be made to the Authority

before the expiration of two years from the date of grant of this permission and the development hereby permitted shall be begun before the expiration of three 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 28/12/2026 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](http://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](mailto: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/2023/2012  
**Property Ref:** K000610000  
**Valid date:** 09/11/2023  
**Location:** Kinnear Cottage Rohais De Haut St. Andrew Guernsey GY6 8YX  
**Proposal:** Replace door to south-east (side) elevation, (retrospective). (Protected Building).  
  
**Applicant:** Mr T Le Poidevin

**RECOMMENDATION** - Grant: Outline Permission with Conditions:

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1. No development shall commence on site until details of the siting, design and external appearance of the proposed building[s], the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the Authority and the development shall thereafter be carried out as approved.

Reason - To ensure, as an outline permission is being granted, that development may not begin until all the matters reserved for subsequent approval have been approved by the Authority.

2. Application for approval of the reserved matters shall be made to the Authority before the expiration of two years from the date of grant of this permission and the development hereby permitted shall be begun before the expiration of three 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.

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## OFFICER'S REPORT

### Brief Description of the site:

The application site consists of a protected building located Outside of the Centres as designated in the Island Development Plan.

Retrospective permission is sought to replace a door to the south-east (side) elevation.

### Relevant History:

|                |                                                                      |         |
|----------------|----------------------------------------------------------------------|---------|
| FULL/2023/0739 | Repair works to door and replacement door frame (Protected Building) | Granted |
|----------------|----------------------------------------------------------------------|---------|

### Existing Use(s):

Residential

### Assessment: *(Tick as appropriate)*

no representation  
accords with policy  
within curtilage  
design acceptable

|                                     |
|-------------------------------------|
| <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> |

visual amenity acceptable  
no material neighbour impact  
traffic not affected

|                                     |
|-------------------------------------|
| <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> |

### Policies considered most relevant:

GP5: Protected Buildings  
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.

The application is acceptable in relation to the above policies and other material planning considerations.

**Recommendation:**

Grant with Conditions



**Date:** 29/12/23

