

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 part of barn to a self-catering unit (Use Class 8) and install rooflights and alterations to fenestration.

LOCATION: Le Briquet Farm, Rue Des Prevosts, St. Saviour.

APPLICANT: Mr & Mrs R Burton

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: 15/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/01/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: G.E Le Friec R,B / 01, 02

Application Ref: FULL/2024/0093

Property Ref: E004800000

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 self-catering unit hereby permitted shall be operated only by the occupier of the associated dwelling, currently known as Le Briquet Farm.

Reason : The separate operation of the self catering unit would be unsatisfactory due to its close proximity to and dependence on the amenities of the existing dwelling-house.

5.Should the visitor accommodation use hereby approved cease to operate from the site or no longer be required, the building to which this permission relates shall revert to accommodation ancillary and incidental to the residential use of that dwelling under Residential Use Class 1 of the Land Planning and Development (Use Classes) Ordinance, 2017 or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - To ensure the approved visitor self-catering unit does not become severed from the premises as a separate independent unit of accommodation which could undermine the spatial aims and objectives of the Island Development Plan, and would likely raise amenity issues taking into account the siting and relationship of the barn to the existing dwelling.

Expiry Date: This permission will cease to have effect on 14/02/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Planning permission is hereby granted for the use of the building as self-catering holiday accommodation (Visitor Economy Use Class 8). Whilst the accommodation can be used for winter lets outside of the tourist holiday season, between 1st

November and 31st March each year, any use as a winter let must cease by the 31st March and the accommodation made ready and available for use as self-catering holiday accommodation between 1st April to 31st October each year. Further information about the use of tourist accommodation for winter lets can be found on the Planning Service website: <https://gov.gg/needpermission>.

Please ensure that you notify the Planning Service in writing of the date on which the change of use takes place. Once the change has been made the property will be classified as shown above. Failure to notify the Planning Service as required may lead to delay in any future property search or use class enquiry resulting from incorrect classification of the property.

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/2024/0093
Property Ref: E004800000
Valid date: 15/01/2024
Location: Le Briquet Farm Rue Des Prevosts St. Saviour Guernsey
GY7 9TH
Proposal: Convert part of barn to a self-catering unit (Use Class 8) and
install rooflights and alterations to fenestration.

Applicant: Mr & Mrs R Burton

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 self-catering unit hereby permitted shall be operated only by the occupier of the associated dwelling, currently known as Le Briquet Farm.

Reason : The separate operation of the self catering unit would be unsatisfactory due to its close proximity to and dependence on the amenities of the existing dwelling-house.

5. Should the visitor accommodation use hereby approved cease to operate from the site or no longer be required, the building to which this permission relates shall revert to accommodation ancillary and incidental to the residential use of that dwelling under Residential Use Class 1 of the Land Planning and Development (Use Classes) Ordinance, 2017 or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - To ensure the approved visitor self-catering unit does not become severed from the premises as a separate independent unit of accommodation which could undermine the spatial aims and objectives of the Island Development Plan, and would likely raise amenity issues taking into account the siting and relationship of the barn to the existing dwelling.

INFORMATIVES

Planning permission is hereby granted for the use of the building as self-catering holiday accommodation (Visitor Economy Use Class 8). Whilst the accommodation can be used for winter lets outside of the tourist holiday season, between 1st November and 31st March each year, any use as a winter let must cease by the 31st March and the accommodation made ready and available for use as self-catering holiday accommodation between 1st April to 31st October each year. Further information about the use of tourist accommodation for winter lets can be found on the Planning Service website: <https://gov.gg/needpermission>.

Please ensure that you notify the Planning Service in writing of the date on which the change of use takes place. Once the change has been made the property will be classified as shown above. Failure to notify the Planning Service as required may lead to delay in any future property search or use class enquiry resulting from incorrect classification of the property.

OFFICER'S REPORT

Brief Description of the site:

The application site consists of a traditional semi-detached dwelling located to the south of Le Briquet Farm. The property is located Outside of the Centres and in a Conservation Area as designated in the Island Development Plan.

Planning permission is sought to convert part of the barn to the south of the dwelling to a self-catering unit (Use Class 8), install rooflight and make alterations to the fenestration.

The proposed self-catering unit will comprise a kitchenette, dining area, lounge, hallway and WC on the ground floor, and three bedrooms and two en-suites on the first floor.

An open store and an enclosed store, located to the most eastern and western part of the barn respectively will remain associated with the dwelling-house.

The agent has set out in the letter of 8th January 2024 that the parking, amenity space and vehicular access for the self-catering cottage will be shared with the main house.

Relevant History:

PREA/2023/2342	Convert part of barn to a self-catering cottage.	Pre-application enquiry
FULL/2012/1182	Erect agricultural barn and new timber gates and re-roof existing stable block.	Granted
PAPP/1998/0389	Convert outbuilding to a separate unit of habitable accommodation and erect wall.	Granted

Existing Use(s):

Residential

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:

OC8 (A) Visitor Accommodation Outside of the Centres – New, Extension, Alteration or Redevelopment of Existing Uses.
GP8 Design
GP9 Sustainable Development

Conclusion/Brief comment:

Policy OC8(A) supports new visitor accommodation Outside of the Centres where it is created through change of use of existing buildings or conversion of redundant buildings and where proposals accord with all other relevant policies of the Island Development Plan.

In this case, and for the avoidance of any doubt, the proposal involves the change of use of an existing building located to the rear of the dwelling, and not a 'redundant building' for the purposes of Policy GP16. The existing outbuilding is recognised as a domestic ancillary building located within the domestic curtilage of the property.

The policy also supports proposals where:

“a. the development is of a scale that is appropriate to the character of the location, is undertaken sensitively and so as not to detract from the openness and landscape character of the locality and does not undermine the vitality of a Centre; and,

b. any additional facilities are ancillary or ordinarily incidental to the principal use as visitor accommodation in terms of scale and use, are proportionate to the amount of visitor accommodation available at the site and would not have an adverse effect on the visual quality and landscape character of the location”.

The alterations to the outbuilding are considered to be appropriate to the character of the location and respect the age and vernacular of the barn. No extension to the garage is proposed.

The self-catering unit is setback from the road and sufficient parking provision exists to the front of the site. The proposal is not considered to detract from the openness and landscape character of the locality.

A single unit of self-catering accommodation cannot reasonably be considered to have a significant effect on any Main or Local Centre, and would therefore not undermine the vitality of any Centre.

Criterion 'b' is not relevant to the assessment of this application given that no additional ancillary or incidental facilities are proposed as part of the visitor accommodation.

The use of the accommodation as a self-catering unit is acceptable in this context, provided it is operated by the occupant(s) of the main dwelling. However, any separate use would raise amenity concerns, and it is therefore recommended to attach a condition to the decision to ensure the unit is only operated by the owner of the dwelling and to ensure that the accommodation reverts to ancillary residential accommodation should the visitor accommodation become discontinued on a permanent basis, or no longer required to serve that purpose.

There will be no significant adverse effect on the amenities of neighbouring residents as a result of the alterations to the building when taking into account is distance and relationship, or through the change of use itself.

The proposal will not affect the character or appearance of the Conservation Area and therefore complies with Policy GP4.

Policy GP9 requires proposals for new development, and refurbishment, extension and alteration of existing buildings to demonstrate that they have been designed to take account of energy and resources, paying particular attention to Sustainable Development and Waste Management matters. Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 12/02/24

