

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: Sub-divide existing dwelling to create an additional dwelling and associated works (retrospective)

LOCATION: Clos Au Pommier, Rue du Planel, Torteval.

APPLICANT: Mr D Inglis & Mrs J Sexton

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: 30/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 7308-02 B1A, B2, B3

Application Ref: FULL/2024/0506

Property Ref: G002360000

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 30/04/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

It is noted that a small shed has been constructed in the front garden area of the dwelling hereby approved. This does not constitute exempt development and retrospective permission is required for its retention. Please ensure that either you confirm in writing that the shed has been removed or make a formal planning application for its retention within 28 days of the date of this permission.

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/2024/0506
Property Ref: G002360000
Valid date: 27/03/2024
Location: Clos Au Pommier Rue du Planel Torteval Guernsey GY8 ORF
Proposal: Sub-divide existing dwelling to create an additional dwelling and associated works (retrospective)

Applicant: Mr D Inglis & Mrs J Sexton

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

It is noted that a small shed has been constructed in the front garden area of the dwelling hereby approved. This does not constitute exempt development and retrospective permission is required for its retention. Please ensure that either you confirm in writing that the shed has been removed or make a formal planning application for its retention within 28 days of the date of this permission.

OFFICER'S REPORT

Brief Description of the site:

Clos Au Pommier, Rue Du Planel is a cottage set back from the road with an extension and conservatory to the rear and further, recently constructed extension to the south which currently provides ancillary, dower accommodation. Vehicular access is both via the roadside boundary and along an access track to the south. The rear garden area is currently divided by established planting/fencing.

The application relates to the subdivision of the existing dwelling, separating the dower (which is no longer required) to form a one bedroom dwelling with stairs serving the attic space. Garden space would be provided to the rear/west along with a small front garden area and parking would be via the access track to the south. The application is retrospective as tenants are already occupying the building, the rear garden has been separated from the main house by a new c.2m high timber fence, the front garden has been delineated by a new hedge and an area of hardstanding has recently been finalised to the side of the proposed dower, off the access track.

At the site visit it was noted that a small shed had been erected between the roadside boundary and the proposed dwelling and that a further shed and substantial log store exist in the rear garden area.

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

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

01 dwelling

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:

Island Development Plan policies:

OC1: Housing Outside of the Centres
GP8: Design
GP9: Sustainable Development
IP6: Transport infrastructure and support facilities
IP7: Private and Communal Car Parking

Annex I: Amenities

Conclusion/Brief comment:

Policy OC1 makes provision for the subdivision of an existing dwelling and the proposed subdivision would be compatible with character of the area and the cluster of residential development in this part of Rue du Planel/Ruette Des Jehans. The proposal does not relate to an extension in order to facilitate the proposed subdivision and no external alterations are proposed. The scheme represents a good standard of design that respects the local built environment.

The development would provide good levels of amenity for future occupiers and would not result in overlooking and loss of privacy to the occupiers of the attached main house or any other neighbours. Overall therefore, the scheme accords with Policy OC1, GP8 and GP9 of the Island Development Plan.

The off-road parking provision is satisfactory for the one bedroom unit proposed and would not represent an increase in traffic movements on the local road network given that the accommodation already exists. The proposal does not include provision for cycle storage however, there is an existing exempt shed in the rear garden which can serve this purpose.

The matter of the shed to the front of the property can be highlighted as being unauthorised through the decision notice for this application and the matter referred to enforcement for investigation.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (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 subdivision proposed.

Recommendation:

Grant with Conditions



Date: 25/04/2024

