

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: Demolish wall, excavate, erect retaining wall and external steps to create vehicle access and parking area to north-east boundary. Infill door to north-west elevation.

LOCATION: The Barn, Rue Des Brouards, Torteval.

APPLICANT: Mr & Mrs G Brokenshire

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: 06/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Martel Design Ltd - 24-1113 02B

Application Ref: FULL/2024/0621

Property Ref: G003310000

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 retaining walls hereby permitted shall be externally rendered (southeast and southwest facing elevations) within 28 days of construction.

Reason - To secure the satisfactory appearance of the completed development.

5.Notwithstanding the details shown on the approved plans, the approved infilling of the door to the north-west elevation shall be finished externally in stone of a colour, type, texture and method of laying to match the existing exterior of the dwelling.

Reason - In the interests of residential and neighbouring amenity.

Expiry Date: This permission will cease to have effect on 06/06/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

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/2024/0621
Property Ref: G003310000
Valid date: 04/04/2024
Location: The Barn Rue Des Brouards Torteval Guernsey GY8 0LE
Proposal: Demolish wall, excavate, erect retaining wall and external steps to create vehicle access and parking area to north-east boundary. Infill door to north-west elevation.

Applicant: Mr & Mrs G Brokenshire

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 retaining walls hereby permitted shall be externally rendered (southeast and southwest facing elevations) within 28 days of construction.

Reason - To secure the satisfactory appearance of the completed development.

5. Notwithstanding the details shown on the approved plans, the approved infilling of the door to the north-west elevation shall be finished externally in stone of a colour, type, texture and method of laying to match the existing exterior of the dwelling.

Reason - In the interests of residential and neighbouring amenity.

INFORMATIVES

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

OFFICER'S REPORT

Brief Description of the site:

The application site is located in Les Buttes, Torteval and lies Outside of the Centre, as designated in the IDP.

The Barn has recently been the subject of a CLU in which it was formally recognised as an independent unit of accommodation, separate from Les Buttes Cottage. The parking was previously shared with Les Buttes, and it is now proposed to create a separate parking area to the south including associated excavation, erection of a retaining wall and external steps.

The application also includes the infilling of the existing door to the northwest elevation.

Relevant History:

CLU/2023/2348 - Regularise use of self-catering unit (Use Class 8) as a residential dwelling (Use Class 1).

Approved 09/02/2024

Existing Use(s):

01 Dwelling houses

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:

GP1- Landscape character
GP4- Conservation Areas
GP8- Design
GP13- Householder development
IP9- Highway safety, accessibility and capacity

Conclusion/Brief comment:

The infilling of the existing door is considered acceptable in terms of the visual impact, and will not harm the external symmetry or design of The Barn. It will improve the relationship with the neighbouring Les Buttes Cottage, reducing the potential for disturbance or loss of amenity arising from use of this door located on the boundary with the neighbour.

The excavation of part of the garden and construction of retaining walls is considered acceptable and unlikely to have adverse impacts on visual amenity, the Conservation Area or neighbours, and the creation of car parking with a new 3.8m wide access is a reasonable aspiration of the property owner and in accordance with Policy GP13 and will not harm the appearance of the Conservation Area.

The proposed parking does not allow for onsite turning and may require vehicles to reverse in or out of the space. The site is located on a country lane where vehicle speeds are low, and this section of road is reasonably straight and narrow, and so full visibility splays are not considered necessary in these circumstances.

Works to the neighbours wall have been included in this application, and while the application states that work will be undertaken to repair the neighbours boundary wall, this cannot be conditioned as it lies outside the application site. Should these works to the neighbours wall not take place, the application would still be considered visual and practically acceptable. An informative note has been used to remind the applicant of third-party rights.

A condition has also been applied (in agreement with the Agent, by email received 04/06/2024) to ensure that the external finish of the infilled door will be in granite to match the existing external material of the dwelling.

An additional condition has been used to ensure that the retaining walls are rendered in a timely manner, due to the location within the Conservation Area.

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.

Recommendation:

Grant with Conditions



Date: 05/06/2024