

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: Erect 1.5 storey extension to north-east (side) elevation of dwelling and single storey extension to rear (north-west) elevation. Variations to works previously approved to erect a dwelling: Alterations to roof, wall and PV panel finish and fenestration, internal alterations (Retrospective).

LOCATION: Neuve Maison, Rue Des Pomares, St. Pierre Du Bois.

APPLICANT: Mr & Mrs P & S Taylor

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: 10/10/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/07/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PT:02:23 02D

Application Ref: FULL/2024/0710

Property Ref: F004640000+F004650000

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 dwelling shall not be occupied until the photovoltaic panels have been provided and made operational.

Reason - In the interests of sustainable development.

Expiry Date: This permission will cease to have effect on 10/10/2027 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/2024/0710
Property Ref: F004640000+F004650000
Valid date: 05/07/2024
Location: Neuve Maison Rue Des Pomares St. Pierre Du Bois Guernsey
GY7 9HH
Proposal: Erect 1.5 storey extension to north-east (side) elevation of dwelling and single storey extension to rear (north-west) elevation. Variations to works previously approved to erect a dwelling: Alterations to roof, wall and PV panel finish and fenestration, internal alterations (Retrospective).
Applicant: Mr & Mrs P & S Taylor

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - In the interests of sustainable development.

OFFICER'S REPORT

Brief Description of the site:

The site comprises a building group set to the north of Rue de la Pomare in St Pierre du Bois, known as La Pomare Farm. The group includes the main farmhouse, incorporating a self-catering unit at first floor level in the attached barn and previously a detached outbuilding, located to the west of the group. The outbuilding has however been demolished and replaced with a dwellinghouse. The building to the east of site has been authorised as an independent dwelling and is in separate ownership.

The site is located Outside of the Centres in the Island Development Plan, within an Agriculture Priority Area.

Relevant History:

F004640000/F004650000 (La Pomare Farm)

29/03/17 FULL/2017/0239 Permit to extend domestic curtilage to incorporate land to west and north of former outbuilding.

22/11/21 FULL/2021/2022 Permit to convert and extend outbuilding into residential dwelling.

30/03/2023 FULL/2022/1721 Demolish outbuilding and erect residential dwelling and erect retaining gabion cage to north boundary.

19/12/2023 CLU/2023/1775 Certificate of Lawful Use to regularise use of self-catering unit to east of site as dwelling (Residential Use Class 1).

18/10/2023 FULL/2023/1484 Refusal to erect 1.5 storey extension to north-east (side) elevation and alterations to fenestration for the follow reason:

The proposed development, by virtue of the floor space and volume of the resultant building, would not be of broadly the same floor space and volume as the approved conversion scheme. The application would not therefore meet the requirements of Policy GP16(B)b).

F00465A000/F00466A000 (Westhaven and field)

22/01/16 FULL/2015/2878 Permit to remove section of hedge and retaining wall to create access to agricultural land, form ramped access to field and erect fencing. Remove hedging and plant replacement hedging.

20/11/18 FULL/2018/1886 Permit for change of use from agricultural field to domestic garden.

Existing Use(s):

Residential Use Class 1

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:

GP8	Design
GP9	Sustainable Development
GP16(B)	Conversion of redundant buildings – Demolition and Redevelopment
GP13	Householder Development
IP6	Transport Infrastructure and Support Facilities
IP7	Private and communal car parking

Conclusion/Brief comment:

Alterations to approved dwelling

The submitted plans show the following amendments to the approved dwelling, which have already been carried out:

- Alteration of south-west gable from reclaimed granite to clad timber frame;
- Alteration of fenestration to south-west gable: alter ground floor windows to double doors, alter first floor window to Juliet balcony;
- Alteration of fenestration to north-west elevation: Omit doors and alter rooflights;
- Omit fenestration to south-east elevation, alteration to rooflight position;
- Alteration of roof material from pantile to slate;
- Alteration from photovoltaic tiles to PV panels;
- Alter rainwater goods;
- Internal layout alterations.

Whilst the submitted plans note that these elements are to be submitted for separate consideration, as the plans that have been submitted include both these elements of work and those set out below this is not possible and the alterations have been included as part of the current application.

The sustainability statement provided in support of FULL/2022/1721 was thorough and comprehensive. The reuse of granite from the former outbuilding within the construction of the new dwelling did form part of that sustainability statement however, upon commencement of construction, the applicant states that the stone was not of sufficient quality to include in the new construction. On balance, considering the other sustainability credentials of the development, the omission of this part of the development in preference of a timber frame construction would not dilute the sustainability of the design to such an extent which would have rendered the previous application unacceptable.

The remaining elements outlined above comprise minor alterations to the previously approved scheme and do not have an adverse impact on the character of the area or neighbour amenity, and would not have affected the acceptability of that scheme.

Full details of the PV panels have been provided as part of this application, and this would override the requirement for provision of details previously set out under Condition 4 of FULL/2022/1721. It is however reasonable and necessary to attach the second part of that condition, relating to implementation of the solar panels, to the current decision.

Extensions to dwelling

Independent residential use at this site was obtained first through permission for the conversion of a former outbuilding at the site, and then through the demolition of that building and the construction of a new dwelling under Policies GP16(A) and GP16(B) (Conversion of Redundant Buildings). Once any dwelling approved under GP16(B) is constructed to a wind and watertight state, the independent residential use of that site is established and any further application for extension or alteration to the building falls to be considered under Policy GP13 (Householder Development).

An application to extend the approved dwelling was initially made under reference FULL/2023/1484, however that application was refused as at that time the new dwelling was not yet wind and watertight. A site visit under the current application demonstrates that not only is the approved portion of the dwelling wind and watertight, but both the proposed extensions have been constructed.

The application is retrospective as the works proposed have been carried out prior to permission being granted. The sequence of development on the site also raises issues regarding compliance with planning policy at the time of those works. Unauthorised development cannot be condoned and risks undermining the planning system. In this case the works applied for have been completed and at the time of consideration of this application the property comprises a single dwelling house. Policy GP13 therefore applies. The fact that unauthorised work has taken place is not, in and of itself, a material planning consideration that can influence the decision on this application.

Policy GP13 allows for alterations and extensions to residential properties where there is no significant adverse impact on the amenities of adjoining properties; the design, scale, mass and form of development does not detract from the character of an open area; and there is no adverse effect on the special interest of a Conservation Area, Area of Biodiversity Importance, Protected Building or Protected Monument.

In this case, Policies GP8 and GP9, relating to Design and Sustainable Development, would also be relevant and the material considerations of the Law must be taken into account.

The proposed extensions would not significantly alter the way in which the building sits in the landscape, and would have no adverse impacts on the character of the area or the amenity of adjoining properties.

The proposal would remove the cycle storage area, previously to be located along the north-east gable. The applicant notes bikes will be stored within the dwelling. Whilst this may suit the applicant, it is unlikely to be a satisfactory solution for other occupants and it would be expected that external provision be retained. It is however noted that there is sufficient space within the curtilage of the building to provide cycle storage and this could be done within the provisions of the Exemptions Ordinance. In accordance with the Parking Standards SPG, there is therefore no need to require details or implementation of such storage as part of this application.

A statement is provided in respect of Policy GP9.

It is noted that the retaining structure to the north-east of the dwelling has not been built in accordance with the approved plans and that the vehicle access to the site has been widened without the benefit of planning permission. These elements will be addressed separately.

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: 10/10/2024

