

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 section of wall to create pedestrian access and external steps to north boundary of property.

LOCATION: 3 Belmont Terrace, Havelet, St. Peter Port.

APPLICANT: Mr T Jones

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: 14/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/05/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site and Block Plans, 4 x proposed CAD drawings (all dated 17/05/2024).

Application Ref: FULL/2024/0886

Property Ref: A407400000+A407430000

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 14/06/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The Authority does not recognise all of the land outlined on the submitted plan as for domestic use associated with the dwelling presently known as 3 Belmont Terrace. The land recognised as domestic curtilage by the Authority is outlined in red on the approved plan. The land outlined in blue is recognised as agricultural land and can only be used for agricultural purposes. A change of use application would have to be submitted in order for all of the land to be used for domestic purposes.

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/2024/0886
Property Ref: A407400000+A407430000
Valid date: 17/05/2024
Location: 3 Belmont Terrace Havelet St. Peter Port Guernsey GY1 1BA
Proposal: Demolish section of wall to create pedestrian access and external steps to north boundary of property.

Applicant: Mr T Jones

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

The Authority does not recognise all of the land outlined on the submitted plan as for domestic use associated with the dwelling presently known as 3 Belmont Terrace. The land recognised as domestic curtilage by the Authority is outlined in red on the approved plan. The land outlined in blue is recognised as agricultural land and can only be used for agricultural purposes. A change of use application would have to be submitted in order for all of the land to be used for domestic purposes.

OFFICER'S REPORT

Brief Description of the site:

The property known as '3 Belmont Terrace' is a mid-terrace two and a half storey dwelling which is slightly set back from and faces south onto Havelet. The attached neighbours are to the east and west and beyond the small rear gardens the land rises (to the north) the rear boundary is a high granite wall leading to an agricultural plot (the land then steps up again behind that). The property is located in the St Peter Port Main Centre and Conservation Area as defined in the Island Development Plan.

Relevant History:

A pre-application enquiry last year.

Existing Use(s):

Residential use class 1: dwelling house.

Agricultural use class 28: agriculture.

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:

GP8: Design

GP13: Householder Development

Conclusion/Brief comment:

This application is to remove a section of the north boundary wall (1m wide) to allow a timber staircase to be added to the rear garden allowing pedestrian access up to the agricultural land behind, which is in the same ownership.

The proposals will not be seen from any public vantage points, meaning they are unlikely to have any detrimental impacts on the character and special quality of the surrounding conservation area. The proposals are also not considered to impact on neighbour amenity.

The only known access to the land at present is via a staircase from the nearby car park to the east, the car park is for the flats to the east and is key-coded. Therefore at present there is no easy access to the land.

The timber steps would be removable should the land and the house be sold separately in the future and a gate could be fitted to the access point in the wall or it could be filled in.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions. It should however be noted that the grant of permission for access to the land does not confer any consent for a change of use of that land, which would remain agricultural. A formal application would be required for any domestic use of the land.

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: 14/06/2024

