

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: Excavate section of raised earth bank and erect single outbuilding/store to north of property.

LOCATION: The Barn, L'Heritage Des Monts, Les Petils, Bordeaux, Vale.

APPLICANT: Mr & Mrs G Van-Katwyk

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: 04/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/05/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTECH Freelance Architecture - GVK-24-1178-02

Application Ref: FULL/2024/0947

Property Ref: C00439A001

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.Within 2 months of the completion of the hereby approved outbuilding/storage room, the side and rear elevations of the outbuilding, together with its roof, shall be backfilled and grassed over to match that as shown on drawing ref: GVK-24-1178-02.

Reason - to ensure that the works are carried out within a reasonable timeframe given that the exterior of the walls and roof that are to be covered in soil are unlikely to be finished to a high enough standard of design. This condition is required in the interests of protecting visual amenity.

Expiry Date: This permission will cease to have effect on 04/07/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed garage to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning 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/2024/0947
Property Ref: C00439A001
Valid date: 28/05/2024
Location: The Barn L'Heritage Des Monts Les Petils Bordeaux Bordeaux
Vale Guernsey GY3 5NB
Proposal: Excavate section of raised earth bank and erect single
outbuilding/store to north of property.

Applicant: Mr & Mrs G Van-Katwyk

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. Within 2 months of the completion of the hereby approved outbuilding/storage

room, the side and rear elevations of the outbuilding, together with its roof, shall be backfilled and grassed over to match that as shown on drawing ref: GVK-24-1178-02.

Reason - to ensure that the works are carried out within a reasonable timeframe given that the exterior of the walls and roof that are to be covered in soil are unlikely to be finished to a high enough standard of design. This condition is required in the interests of protecting visual amenity.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed garage to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

OFFICER'S REPORT

Brief Description of the site:

The application site consists of a detached dwelling accessed to the north of Les Petils. The property is visible from multiple vantage points and is located Outside of the Centres as designated in the Island Development Plan.

Planning permission was granted in 2023 to demolish a detached outbuilding and erect a 1.5 storey extension to the west of the dwelling-house.

Planning permission is sought to excavate section of raised earth and erect single storey, subterranean outbuilding/store to the north of the property.

Relevant History:

FULL/2023/0155	Demolish detached garage, erect 1.5 storey extension with link at first floor level to west (side) elevation, infill window and install rooflight to north (rear) elevation (Revised Scheme).	Granted
FULL/2022/0748	Demolish detached garage, erect 1.5 storey extension with link at first floor level to west (side) elevation, infill window and install rooflight to north (rear) elevation.	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:

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Conclusion/Brief comment:

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

The agent has noted in the covering letter that the raised ground to the rear of the dwelling-house was created when the former quarry was filled in. Whilst the proposed siting of the storage room is located within the applicant's domestic curtilage, the impact on the landscape is considered to be negligible when taking into account the limited extent of excavation required in order to create a subterranean style outbuilding.

The outbuilding will be set into the raised bank in such a manner that is likely to conceal the majority of the structure from view and therefore will have a negligible visual effect. Only the west elevation of the structure will be exposed.

Overall, the proposal adopts a good standard of design by virtue of its scale, form, massing, siting and materials. The proposal will not have a detrimental impact on the character of the area, visual amenity, or the amenities of neighbouring residents.

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, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions

✓

Date: 01/07/24

