

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: Convert, extend and alter building to create dwelling and associated works.

LOCATION: Laleur, Rue Des Belle, Torteval.

APPLICANT: Mr & Mrs T Snell

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: 19/09/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 24-1549 PD/01B & PD/02
Tree Dimensions Landscape proposals dated 08/06/2024

Application Ref: FULL/2024/1295

Property Ref: G003340000

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.No occupation of the dwelling hereby permitted shall begin until a scheme for the treatment of the east boundary of the curtilage and details of the construction of the earth bank along the west boundary of the curtilage of the new dwelling has been submitted to and agreed in writing by the Authority and the agreed scheme for boundary treatment has been fully completed.

Reason - In the interests of visual amenity and to protect the reasonable amenities of neighbouring residents.

5.a) The landscaping scheme shall be fully completed, in accordance with Tree Dimensions Landscape proposals dated 08/06/2024 and plan number 24-1549/PD/01B, in the first planting season following the first occupation of the dwelling hereby permitted or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority.

b) Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and biodiversity.

6.The replacement dwelling hereby approved shall not be occupied until the field access to the land to the north has been completed in accordance with the approved plans and made available for use.

Reason - To ensure that an independent access is retained to the agricultural land to the north.

Expiry Date: This permission will cease to have effect on 19/09/2027 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/2024/1295
Property Ref: G003340000
Valid date: 01/08/2024
Location: Laleur Rue Des Belle Torteval Guernsey GY8 0LN
Proposal: Convert, extend and alter building to create dwelling and associated works.

Applicant: Mr & Mrs T Snell

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.

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earth bank along the west boundary of the curtilage of the new dwelling has been submitted to and agreed in writing by the Authority and the agreed scheme for boundary treatment has been fully completed.

Reason - In the interests of visual amenity and to protect the reasonable amenities of neighbouring residents.

5. a) The landscaping scheme shall be fully completed, in accordance with Tree Dimensions Landscape proposals dated 08/06/2024 and plan number 24-1549/PD/01B, in the first planting season following the first occupation of the dwelling hereby permitted or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority.

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Reason - In the interests of visual amenity and biodiversity.

6. The replacement dwelling hereby approved shall not be occupied until the field access to the land to the north has been completed in accordance with the approved plans and made available for use.

Reason - To ensure that an independent access is retained to the agricultural land to the north.

OFFICER'S REPORT

Site Description:

The site is a former horticultural site which was cleared of glass between 2013 and 2016 and now comprises of a pitched roof packing shed along the east boundary accessed by a gravelled driveway with the remaining land comprising of an open field. The site is bounded to the east, south and partly to the west by neighbouring residential properties and a parcel of agricultural land under the same ownership to the north. The eastern section of the site including the packing shed and part of the gravelled driveway is within a Conservation Area, the whole of the site is Outside of the Centres.

Relevant History:

18/04/2024 - PREA/2024/0630 – Pre-application advice regarding conversion of outbuilding to dwelling.

Existing Use(s):

Agriculture use class 28

Brief Description of Development:

Planning permission is requested to convert, extend and alter a former packing shed to create a 1 bedroom dwelling. The proposal includes the change of use of a section of agricultural land measuring approximately 500sqm to domestic land to serve the proposed dwelling.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

Policy OC1: Housing Outside of the Centres

Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

Policy GP1: Landscape Character and Open Land

Policy GP4: Conservation Areas

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP15: Creation and Extension of Curtilage

Policy GP16(A): Conversion of Redundant Buildings

Policy IP6: Transport Infrastructure and Support Facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

None

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. The principle of the development.
2. Whether the existing building is of sound and substantial construction and is capable of conversion to a residential use without extensive alteration or rebuilding.
3. The impact of the development on the character and openness of the landscape.
4. The impact on the amenities of neighbouring residents.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Policy OC1 provides scope for the conversion of existing redundant buildings to dwellings Outside of the Centres provided that specific criteria as set out in Policy GP16(A) are met.

The former horticultural use of the land has ceased, the glasshouses have been cleared and therefore it has been demonstrated that the building is no longer required for its last known purpose.

The structural report sets out that the building is constructed of load bearing masonry off concrete strip footings and is free from significant foundation movement. It goes on to state that the existing asbestos roof cladding can be retained and encapsulated. The structural report concludes that the building can be adapted and converted as proposed without significant or substantial structural works. Together with the extent of works proposed, the information submitted is sufficient to demonstrate that the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding.

The existing building is not of either architectural or historic interest and is not considered to be a building of character that makes a positive contribution to the character and appearance of the area. The size and nature of the proposed extension is modest and would have no adverse effects on the character and appearance of the Conservation Area. The east elevation of the proposed dwelling forms the rear boundary of a neighbouring residential property. No fenestration is included in the east elevation, however, sections of the east boundary are currently formed by a low wall which would not safeguard the amenities of the neighbouring residents to the east. Provided that a suitable boundary is installed, such as a fence or increasing the height of the wall, the change of use of the building to a dwelling is unlikely to result in any unacceptable adverse effects on the amenities of the neighbouring residents. The boundary treatment along the east boundary can be dealt with by condition.

The proposal to create a domestic curtilage for the dwelling falls to be considered principally under Policies GP15 and GP1 of the Island Development Plan.

The site is not within an Area of Biodiversity Importance or an Agriculture Priority Area, other than the relocation of the access to the agricultural land to the north, no existing boundary features are proposed to be removed and the proposed change of use would not of itself have an adverse impact on or affect the amenities of neighbouring residents.

The application site is located in a semi-rural area characterised by built development focused around Torteval church to the east and isolated or small groups of mainly residential properties along the highways with areas of agricultural and undeveloped land providing a break between the pockets of built development. The application site predominantly comprises of agricultural/undeveloped land which forms part of a wider area of open land providing a break between built developments. However, the proposed dwelling and its associated domestic land is confined to the eastern section of the site and is reasonably well related to neighbouring properties. As a result, the proposal in effect rounds off the existing adjoining built development to the east, whilst retaining the openness and landscape character of the site as a whole. The proposed conversion of the building to a dwelling and its associated domestic land would have no unacceptable impacts on the character and openness of the landscape, in accordance with Policies GP1, GP4, GP15 and GP16(A).

The relocated access to serve the adjoining agricultural land to the north is adequate and it is recommended that a planning condition is applied to ensure the works are undertaken.

The proposed dwelling would exceed minimum internal space standards as set out under the Building Regulations and the best practice minimum internal space standards for a one person dwelling which are published on the Authority's website. The dwelling would have adequate sunlight, daylight and privacy and would benefit from a generous provision of outdoor space and an attractive outlook over open land. Overall the proposed dwelling would provide a satisfactory living environment.

The application is accompanied by a Landscape proposal. The measures proposed including the creation of an earth bank planted with a mixed hedge along the west boundary of the domestic land, tree planting, the creation of a pollinator patch and the creation of an area of amenity planting will provide proportionate biodiversity enhancements, taking into account the size of the area of land involved.

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.

It is recommended that the application is approved.

Date: 18/09/2024

