

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: Change of use of self-catering unit (Use Class 8) to dwelling (Use Class 1).

LOCATION: La Petite Maison, Salines Road, St. Sampson.

APPLICANT: Mr M Prevel

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: 26/09/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 09/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Site Location Plan, Application Block Layout Plan and floor plans (labelled Le Grand Fort).

Application Ref: FULL/2024/1349

Property Ref: B01647C000+B016470000

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 26/09/2027 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/2024/1349
Property Ref: B01647C000+B016470000
Valid date: 09/08/2024
Location: La Petite Maison Salines Road St. Sampson Guernsey
GY2 4FQ
Proposal: Change of use of self-catering unit (Use Class 8) to dwelling
(Use Class 1).

Applicant: Mr M Prevel

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

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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.

OFFICER'S REPORT

Site Description:

The application site ownership encompasses a dwellinghouse known as Le Grand Fort, an associated self-catering unit and glasshouses located within the recognised domestic curtilage to the east of the site. The curtilage extends approximately 60m back from the roadside, and omits a strip of land to the west, containing a former packing shed, which has been the subject of separate applications for redevelopment for residential purposes (most recently, FULL/2023/2094).

The application site ownership is located to the north of Les Salines Road and is bounded by a residential property to the west and agricultural land to the north, east and across the road to the south. The application site itself is limited to an area to the south-west of the land ownership.

La Petite Maison is a detached one and a half-storey building with painted granite exterior. A single-storey lean-to extension exists to the front/south of the building adjacent to the highway although this is situated behind a c. 1.5m high roadside wall. The building has a pitched, slate roof with rooflights serving the first floor accommodation. The driveway serving the wider residential property is situated to the immediate west of La Petite Maison with the driveway and parking all laid to gravel.

The whole of the dwelling known as Le Grand Fort is protected, together with the outbuilding (self-catering unit) to the south-east and the roadside wall and railings immediately to the front of those buildings.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2009/3078 – change of use of an outbuilding to a self-catering unit – granted
The scheme related to an open plan kitchen/living area and a bathroom on the ground floor and a bedroom on the first floor. A single parking space and amenity area were shown to be provided to the west of the building, within the frontage area of Le Grand Fort.

Le Fort

CURT/2020/2199 – definition of curtilage

FULL/2021/1810 – Demolish and relocate pillar to widen vehicular access and remove and relocate wall to extend parking area (Protected Building) – granted

FULL/2023/2094 - Demolish existing building and erect dwelling with associated works and widen vehicle access (revised scheme) - granted

Existing Use(s):

01 dwellinghouse

08 self-catering visitor accommodation

28 agriculture

Brief Description of Development:

The application relates to the change of use of the self-catering accommodation (La Petite Maison) to a self-contained dwelling (Use Class 1). No changes are proposed to the building to accommodate this change of use as the building is already laid out for residential occupation, albeit as visitor accommodation.

The application proposes a limited curtilage, with only a small yard to the front provided for refuse storage/cycle storage or to dry washing. Vehicle parking is proposed within the curtilage of the main house, to the west.

The submission sets out that the dwelling is to be occupied by a family member, this was witnessed at the time of the officer site visit. Current exemptions, now extended to 2026, permit the residential occupation of visitor accommodation and as such the proposal is not deemed retrospective.

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

OC1: Housing Outside of the Centres

OC8(C): Visitor Accommodation Outside of the Centres - Change of Use

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relates to the loss of visitor accommodation, the formation of a new unit of residential accommodation in this location, the amenities, health and well-being of future occupiers and the amenities of neighbours of the development, parking provision and access onto the public highway.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Although the application submission refers to occupation of the dwelling by a family member the change of use proposed specifically relates to the formation of a dwellinghouse and not the reversion of the site to a single dwellinghouse where the subject building would be ancillary and incidental to the enjoyment of the dwellinghouse. The building itself would house everything required for day to day living and should be assessed against Policy OC1 which relates to housing Outside of the Centres.

Policy OC8(C) offers support for the change of use of existing visitor accommodation to another use where there are less than three self-catering units within the curtilage of the dwelling and where the use will revert to a single dwellinghouse. Whilst this offers support for the change of use away from a single unit of visitor accommodation it does not however, make provision for the change of use to an independent dwelling, as is proposed in this case. In this case however, a minor departure from this aspect of Policy OC8(C) has been put forward.

The scheme represents a good standard of design that respects the local built environment. The change of use to from a one and a half-storey dwelling also represents efficient and effective use of land.

Fenestration to the west elevation faces across the allocated parking space, driveway and parking associated with the main house. Mutual overlooking between Le Grand Fort and the proposed dwelling will remain within acceptable limits due to the position of the main house to the application building. Fenestration to the north of the building is limited to a first-floor window and ground floor door with vision panel, this existing fenestration will not result in unacceptable overlooking of the parking area and domestic vinehouse and glasshouse to the side and rear of Le Grand Fort nor for the future occupiers of the proposed dwelling. The position of the building and the ancillary domestic structures at Le Grand Fort is such that overlooking of the garden area rear of the main house would not be unduly affected by the proposal.

There will be an open aspect from fenestration of La Petite Maison and although this is across hardstanding/car parking areas this is considered reasonable in this case. Being situated away from other buildings with the existing ground and first floor fenestration ensures that the development will be served by adequate sunlight and daylight to the proposed accommodation.

Access to external open space is very limited within the red line site boundary, although it is noted that the current tenant would have access to the wider site, shown in blue. This cannot be guaranteed in future however, should the two buildings fall into separate ownership. There is a limited courtyard area to the south/front of the building which could be utilised to dry washing, to store cycles or as a place to sit out. It is unlikely however, that it could serve all these purposes and in line with Policy IP6 provision should be made for occupiers to travel by alternative modes of transport. This would require provision to be made within this small courtyard area, largely screened from public view by the high roadside wall but would require permission in its own right given that La Petite Maison is a protected building. In this case it is considered satisfactory that provision could be made on site but it is not deemed necessary to require this to be provided by way of a planning condition. Offering occupiers the choice and flexibility as to how to use the limited amenity area is considered appropriate in this instance.

In addition to the points raised above it is also noted that the site is close to a nearby Local Centre with its associated services and amenities, Vale recreation ground and the coast. On balance therefore, access to open space provision is considered satisfactory.

There is a single off-road parking space proposed, without the applicants ownership and control but beyond the red line site boundary. In this location and having regard to the Parking Standards SPG parking provision should be assessed on a case by case basis. The provision of one space is considered acceptable and as noted elsewhere, the site could be split in future which could result in there being no on-site parking associated with the proposed dwelling however, this remains acceptable in policy terms in accordance with Policy IP7. There will be no particular intensification in the use of the vehicular access given the existing mixed use on the site and the change from self-catering accommodation to a one bedroom dwelling.

In view of the above therefore, the scheme is considered to comply with all relevant policies and requirements of the Island Development Plan and it is recommended permission is granted.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 20/09/2024

