

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 detached garage/home office (site of Protected Building).

LOCATION: Albecq Farm, Retot Lane, Castel.

APPLICANT: Mr P Crowson

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: 18/10/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 7487-05/B1C & /B2B.

Application Ref: FULL/2024/1411

Property Ref: D010930000

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. Notwithstanding the information submitted, the window to the south of the approved garage shall be glazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent) and shall thereafter be retained at all times.

Reason - To protect the amenities of neighbouring residents.

5. For the avoidance of doubt, this decision permits the proposed garage shall only be used for purposes incidental to the enjoyment of the dwelling house. It does not permit the creation of a separately occupied annex or an independent dwelling, as this would require a separate grant of planning permission and involve different planning policy considerations.

Reason - to clearly define the permission due to the size and distance between the proposed garage and the main house.

Expiry Date: This permission will cease to have effect on 18/10/2027 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/2024/1411
Property Ref: D010930000
Valid date: 23/08/2024
Location: Albecq Farm Retot Lane Castel Guernsey GY5 7EG
Proposal: Erect 1.5 storey detached garage/home office (site of Protected Building).

Applicant: Mr P Crowson

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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5. For the avoidance of doubt, this decision permits the proposed garage shall only be used for purposes incidental to the enjoyment of the dwelling house. It does not permit the creation of a separately occupied annex or an independent dwelling, as this would require a separate grant of planning permission and involve different planning policy considerations.

Reason - to clearly define the permission due to the size and distance between the proposed garage and the main house.

OFFICER'S REPORT

Site Description:

The property known as 'Albecq Farm' comprises a 15th century farmhouse with 19th century barns attached at either end of the building. The property is a Protected Building.

The dwelling faces onto Retot lane, with the road winding around the east gable of the property. A redundant glasshouse lies on agricultural land to the south-west of the site.

The former Army and Navy Stores which is located to the north-west of the application site falls under a separate cadastre reference and therefore does not form part of this application site, despite the drawings submitted.

The property is located Outside of the Centres as defined in the Island Development Plan.

A new vehicle access and parking area was approved as part of application reference FULL/2021/2647. The vehicle access has been subsequently implemented.

Planning permission was granted in 2023 (FULL/2023/1181) to erect a 1.5 storey detached garage/home office and hardstanding adjacent to the south boundary, and alter the vehicle access along the east boundary by installing granite pillars and incorporating a planter to the north and south of the access point.

Relevant History:

FULL/2024/1511	Variations to previously approved plans to demolish existing building and outbuilding, erect dwelling with associated works and erect shed to north boundary (revised scheme) - Relocate external staircase to west elevation and change external material finish to render to east, south and west elevations.	Pending
FULL/2023/1181	Erect 1.5 storey detached garage/home office and hardstanding to south boundary, and alter vehicle access to east boundary. (Protected Building)	Granted
FULL/2023/1250	Install replacement windows and doors (Protected Building) (Revised Scheme).	Granted
FULL/2023/0221	Demolish pig sties, erect 1.5 storey extension and erect wall and gate to south (rear) elevation. (Protected Building).	Granted
FULL/2022/2060	Demolish pig sties, erect 1.5 storey extension and erect wall and gate to south (rear) elevation (Protected Building).	Withdrawn
FULL/2022/0573	Install replacement windows and doors. (Protected Building).	Refused
FULL/2021/2647	Demolish extension and outbuilding, demolish and rebuild chimneys. Erect extension and rooflight to south (rear) elevation, raise lean-to roof and install rooflight to east (side) elevation, install rooflight to north (front) and west (side) elevation and internal alterations, create new vehicle access and parking area to east boundary and block up existing vehicle access to north boundary (Protected Building).	Granted
FULL/2021/2454	Demolish and rebuild chimneys, replace roof covering, install parapet and remove section of render. (Protected Building).	Granted

Existing Use(s):

Residential.

Brief Description of Development:

Planning permission is now sought to reposition the approved 1.5 storey detached garage/home office adjacent to the south boundary, by re-orientating the structure parallel to the road. The home office incorporates a pitched roof dormer window to the front (east) elevation and incorporates a sliding door to the rear of the proposed gym area.

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

GP5 Protected Buildings
GP8 Design
GP9 Sustainable development
GP13 Householder Development
IP9 Highway Safety, Accessibility and Capacity

Representations:

The Authority has received representations from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- No new builds allowed as part of Albecq Farm and in the wider area.
- Position of cesspit close to main drain.
- Overlooking from gable window.
- No site notice.
- Distance of double garage from the house and intension for the garage.
- Pig styies demolished.

Consultations:

None.

Summary of Issues:

- Whether the design, scale, mass, siting, form and materials of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

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).**

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 principle for allowing a 1.5 storey detached garage in this location has already been established as part of FULL/2023/1181 in terms of its distance from the main house, its size and overall design.

In this case, positioning the garage parallel to the road replicates the spatial relationship between the proposed garage and the built form along Retot Lane, by virtue of the principal elevation of the building facing towards the road. It is still considered necessary and reasonable to attach a planning condition to the decision to ensure that the structure remains incidental to the main house and does not become ancillary accommodation, nor severed from the main house, given the distance. The Exemptions Ordinance (2023) allows a change of use for homeworking as part of a trade or business (subject to meeting various criteria) therefore it is not considered necessary to apply the same condition to the decision as there is scope to do so without needing planning permission. Obviously, any trade or business not falling within the criteria set out in Class 3.2 would amount to development and therefore would be subject to a separate planning application.

As set out in the Planning Officer's report, the proposed structure will be '*set against the backdrop of vegetation to limit its visual impact. In addition, the proposal seeks to plant a Chestnut tree between the structure and the road which will further assimilate the development into its surroundings. Whilst this is good practice, it is not considered necessary to include the proposed tree therefore applying a condition to the decision would not be warranted. Similarly, the planter/low level planting scheme along the east boundary does not warrant a planning condition, albeit would help improve the visual quality and cohesiveness of the development.*'

The setting of the protected building will not be adversely affected.

Whilst the former roof light as part of the previous scheme (FULL/2023/1181) was conditioned appropriately to respect neighbour amenity, the proposed scheme surprisingly incorporates a window facing towards the neighbouring property to the south of the site. Given that the window would undermine the neighbour's privacy to the south of the site, it is necessary and reasonable to attach a planning condition to ensure that this window is obscure glazed.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

In response to the representations received; the position of the cesspit is not a planning matter, all planning applications are considered on their own merit and determined under the current Development Plan at the time of assessment, any future developments associated with Albecq Farm would also be considered on their own merit, publicised accordingly and assessed against the relevant planning policies. The pigsties were demolished as part of application FULL/2023/0221. The agent has signed a declaration noting that the site notice for this application has been displayed in accordance with The Land Planning and Development (General Provisions) Ordinance, 2007.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, accords with the purpose of the Law, and the requirements of the material considerations; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 16/10/24

