

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: Rescind Condition 9 of planning permission FULL/2024/0474 relating to exempt porches and extensions.

LOCATION: Former L'Essilerie Vinery, Rue Du Planel, Torteval.

APPLICANT: Mr & Mrs M Elliott

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: 24/10/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/09/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos:

Application Ref: FULL/2024/1595

Property Ref: G00232B000

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 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 24/10/2027 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/2024/1595
Property Ref: G00232B000
Valid date: 18/09/2024
Location: Former L'Essilerie Vinery Rue Du Planel Torteval Guernsey
Proposal: Rescind Condition 9 of planning permission FULL/2024/0474 relating to exempt porches and extensions.

Applicant: Mr & Mrs M Elliott

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 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.

OFFICER'S REPORT

Brief Description of the site:

The site is accessed via an unmade track off Rue Du Planel where scattered and ribbon residential development exists. Glimpsed views of the building that is the subject of this application are possible from the road, but the site does not benefit from a road frontage. The glasshouses to the northwest of the building have been cleared.

The building itself is a single-storey pitched roof structure with blockwork band at ground level and timber frame internally. The timber frame is covered by corrugated sheeting which forms the walls and roof of the building.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

FULL/2022/2354 - Convert outbuilding to residential dwelling with associated landscaping and parking - granted

FULL/2023/1448 - Demolish building and erect dwelling with associated works and relocation of vehicle access – refused (not broadly the same floor space and volume nor incorporating significant enhancements to sustainable design to support the increase to floor space and volume and substantial relocation of the dwelling and the undesirable spread of backland development into the surrounding open and undeveloped rural area)

Pre-application advice was sought in this case following the refusal of permission in 2023.

FULL/2023/2491 - Demolish building and erect dwelling with associated works and relocation of vehicle access (Revised Scheme) – refused – (not broadly the same volume as the approved conversion scheme with insufficient justification to demonstrate that the development would represent a significant enhancement to sustainable design to support the increased volume)

FULL/2024/0474 - Demolish building and erect dwelling with associated works and relocation of vehicle access (revised scheme) – granted (condition 9 removes exemption rights relating to porches and extensions only, exemption rights relating to outbuildings have not been removed)

Existing Use(s):

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:

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Conclusion/Brief comment:

The application relates to the omission of condition 9 of the 2024 permission removing exemption rights for porches and extensions.

There is no condition relating to the removal of exemption rights for outbuildings and it is likely an outbuilding would have a greater impact on the wider areas of undeveloped land than extensions and alterations to the dwelling itself. The omission of such a condition is such that it is reasonable to omit the condition imposed regarding extensions and porches as these would not have an unacceptable impact on the character and appearance of the locality.

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.

In view of the above it is recommended permission is granted.

Recommendation:

Grant with Conditions

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Date: 21/10/2024

