

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 outbuilding/garage to south boundary (site of a Protected Building).

LOCATION: La Maison D'Aval, Rue Des Messuriers, St. Pierre Du Bois.

APPLICANT: Mr & Mrs M Litten

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: 15/01/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd - 6488/A/3

Application Ref: FULL/2024/1883

Property Ref: F001850000

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.For the avoidance of doubt, this decision permits the proposed garage/car port/storage room, however named, to be used only for purposes incidental to the enjoyment of the main dwelling house (Maison D'Aval), unless in accordance with a use permitted under the Land Planning and Development (Exemptions) Ordinance, 2023 or any other Ordinance replacing or re-enacting that Ordinance. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

Reason - Due to the internal and external size, form and appearance of the proposed structure, its distance from the house, and other outbuildings on site, it is necessary and reasonable to attach a planning condition to this decision to ensure that the outbuilding remains incidental to the primary use of the dwelling-house (Maison D'Aval), and does not become severed from that property.

Expiry Date: This permission will cease to have effect on 15/01/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The Authority does not recognise all of the land outlined on the submitted plan as forming the domestic curtilage associated with the dwelling presently known as La Maison D'Aval.

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/2024/1883
Property Ref: F001850000
Valid date: 11/11/2024
Location: La Maison D'Aval Rue Des Messuriers St. Pierre Du Bois
Guernsey GY7 9SL
Proposal: Erect 1.5 storey outbuilding/garage to south boundary
(site of a Protected Building).

Applicant: Mr & Mrs M Litten

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. For the avoidance of doubt, this decision permits the proposed garage/car port/storage room, however named, to be used only for purposes incidental to the enjoyment of the main dwelling house (Maison D'Aval), unless in accordance with a use permitted under the Land Planning and Development (Exemptions) Ordinance, 2023 or any other Ordinance replacing or re-enacting that Ordinance. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

Reason - Due to the internal and external size, form and appearance of the proposed structure, its distance from the house, and other outbuildings on site, it is necessary and reasonable to attach a planning condition to this decision to ensure that the outbuilding remains incidental to the primary use of the dwelling-house (Maison D'Aval), and does not become severed from that property.

INFORMATIVES

The Authority does not recognise all of the land outlined on the submitted plan as forming the domestic curtilage associated with the dwelling presently known as La Maison D'Aval.

OFFICER'S REPORT

Brief Description of the site:

The application property comprises a detached farmhouse, the whole of which is a protected building, and is located Outside of the Centres in an Agriculture Priority Area under the Island Development Plan. The site features a cluster of traditional buildings of varying scales and form, located towards the northern side of the plot, with a single traditional outbuilding located to the south-west corner of the site, backing onto agricultural land to the east. The land located to the east of the stream which divides the land parcel in two also appears to be recognised as agricultural land.

Planning permission is sought to erect a detached, 1.5 storey outbuilding/garage adjacent to the south boundary. The proposed garage/store room will be sited adjacent to a large two storey building, south of the dwelling.

The ground floor will serve as a 3 bay garage and 1 car port to the south, with first floor storage provision, accessed by an external stair. The proposed structure falls within the recognised domestic curtilage.

No justification for the garage has been provided as part of the application or context.

Relevant History:

PREA/2017/0383	Repair timber windows and install double glazing to 7 sliding sash windows on southeast elevation	Pre-application enquiry
FULL/2016/2257	Re-point external walls (Protected Building).	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:

GP5 Protected Buildings
 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 Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

The principal aim of the Island Development Plan is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely.

Furthermore, it is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved.

Policy GP13 is generally supportive of proposals for domestic extensions, alterations and other such householder development, unless material considerations indicate otherwise or conflicts with other Plan policies or the States strategic objectives are identified.

In light of the policy and legal context above, the proposed garage will be positioned immediately south of the majority of existing buildings located on the application site, and therefore is appropriately sited next to the main cluster of the built development.

The garage will be sited circa 18m from the dwelling-house, and will be sited immediately adjacent to a larger, two storey traditional outbuilding. Consequently, its siting is considered to be appropriate and logical as it would be near the main cluster of the built development on the land. It is therefore not considered necessary to defer the application to seek justification for its position.

Whilst large, the physical design of the outbuilding is subservient to the host dwelling and adjacent outbuilding, and achieves a good standard of design (Policy GP8 – Design) in terms of its scale, mass, form, and materials.

The combination of timber finished walls, with a pitched roof finished in natural slate, and conservation style roof-lights will complement the traditional context of buildings sited on the land.

The position of the garage is such that it will not adversely affect the surrounding built form, nor will it have a detrimental effect on visual amenity as it will form the backdrop and be ‘read’ in the context with the host dwelling, and other outbuildings when viewed from public vantage points, including along Rue Des Messuriers.

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents. When taking into account that the size and position of the outbuilding when viewed in context with its relationship and orientation to neighbouring properties, the proposal is not considered to cause undue harm to the amenities of neighbouring residents with regards to overlooking, overshadowing or have an overbearing effect.

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

Although, given that the garage is not closely related to the main house, coupled with its size, form and appearance, and other large outbuildings located on the plot, it is considered necessary and reasonable to attach a condition to ensure that the garage and storage provision remains incidental to the host dwelling.

In addition, an informative should be added to the decision as it doesn't appear that all of the land outlined on the drawings falls within the recognised domestic curtilage, as this appears to be demarcated by the stream which runs through the middle of the site, separating domestic and agricultural land.

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: 14/01/25