

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 detached outbuilding to south-east boundary.

LOCATION: Elmside, Retot Lane, Castel.

APPLICANT: Mr & Mrs A Brehaut

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: 30/01/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: G.E Le Friec - A.B./01

Application Ref: FULL/2024/1927

Property Ref: D01093D000

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/hobbies room, however named, to be used only for purposes incidental to the enjoyment of the dwelling house currently known as Elmside, 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, together with 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 (Elmside), and does not become severed from that property.

Expiry Date: This permission will cease to have effect on 30/01/2028 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/2024/1927
Property Ref: D01093D000
Valid date: 18/11/2024
Location: Elmside Retot Lane Castel Guernsey GY5 7EG
Proposal: Erect detached outbuilding to south-east boundary.

Applicant: Mr & Mrs A Brehaut

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/hobbies room, however named, to be used only for purposes incidental to the enjoyment of the dwelling house currently known as Elmside, 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, together with 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 (Elmside), and does not become severed from that property.

OFFICER'S REPORT

Brief Description of the site:

The application site, known as Elmside, comprises of a detached dwelling-house which is located to the west of Retot Lane. The property is setback from the road by approximately 65m, and is accessed by a private access track which has right-of-way over the neighbouring land to the east of the application site.

A rectangular shaped area of agricultural land was granted planning permission in 2023 to use as domestic curtilage.

A glasshouse still stands to the front of the site which was once part of larger span of glass which extended over the neighbouring land to the east.

The application site is located Outside of the Centres as designated in the Island Development Plan. The site does not consist of a protected building, nor is it located in a Conservation Area.

Planning permission is sought to erect a 1.5 storey garage adjacent to the south-east corner of the site, located on the approved extension of domestic curtilage (FULL/2022/1198). The garage features a double up and over door at ground level, with windows and a door on the west elevation, and an external stair on the west elevation leading up to a hobbies room, featuring two roof lights on the north elevation.

The application was deferred as some concerns were raised over the ancillary and incidental relationship between the garage and the main house. Floor plans were also requested.

The agent has amended the position of the garage so that it is closer to the main house in attempt to overcome the concerns raised, and has provided floor plans.

Relevant History:

FULL/2024/0002	Erect 1.5 storey extension to south (side) elevation.	Granted
FULL/2022/1198	Change of use of agricultural land to domestic garden (1,593 sq.m.).	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:

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.

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Area, Area of Biodiversity Importance, protected building or protected monument.

The preceding text of Policy GP8 (Design) refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

Incidental and ancillary use:

In light of the amendments secured, it is considered that the proposed garage is better related to the main house in terms of its distance when compared to the original application. Whilst the garage is sited closer to the main dwelling, it is some 18m away and given the accessibility of the garage which is accessed by a new area of hardstanding, some reservations still remain.

Whilst the proposed garage is at some distance from the host dwelling, the use of the first floor accommodation and ground floor garage would be incidental for the purposes of Policy GP13. Consequently, for the purposes of Policy GP8 and GP13, the application achieves an acceptable relationship to the dwelling.

Although, it is considered necessary and reasonable to impose a planning condition to the decision to ensure that the garage remains integral to the host dwelling and does not become severed when taking into account the size of the structure, position and distance from the house.

Design:

In terms of its physicality, the proposal adopts a good standard of design by virtue of its scale, form, massing, and materials. The garage will be set back from the road and given its overall scale and design, the pattern of built development on neighbouring properties and the well-established planting to the east, the proposal is unlikely to result in a significant detrimental impact on the character, openness or visual amenity of the area.

Neighbour amenity:

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents. Although located near the boundary with the neighbouring property to the east of the application site, the proposal is not considered to cause undue harm to the amenities of neighbouring residents with regards to overlooking, overshadowing or overbearingness when taking into account its design, distance and relationship to neighbouring properties.

Consequently, the proposed extension is compliant with Policies GP8 and GP13.

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

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: 28/01/25

