

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/games room) and hardstanding to northwest of site.

LOCATION: Otterbourne, Route Du Planel, Torteval.

APPLICANT: Miss S Jackson & Mr N Sarre

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: 07/02/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/12/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Annotated block plan (29/01/2025) & Elevation & Floor Plans 005 (17/12/2024).

Application Ref: FULL/2024/1990

Property Ref: G002130000

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) to be used only for purposes incidental to the enjoyment of the dwelling house, 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.

Reason - The permission is limited to the specific use applied for.

Expiry Date: This permission will cease to have effect on 07/02/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the erection of the garage to be used as an integral part of and incidental to the principal dwelling presently known as Otterbourne. 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.

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/2024/1990
Property Ref: G002130000
Valid date: 17/12/2024
Location: Otterbourne Route Du Planel Torteval Guernsey GY8 0LX
Proposal: Erect 1.5 storey outbuilding (garage/games room) and hardstanding to northwest of site.

Applicant: Miss S Jackson & Mr N Sarre

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) to be used only for purposes incidental to the enjoyment of the dwelling house, 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.

Reason - The permission is limited to the specific use applied for.

INFORMATIVES

For the avoidance of doubt, this decision permits the erection of the garage to be used as an integral part of and incidental to the principal dwelling presently known as Otterbourne. 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.

OFFICER'S REPORT

Site Description:

The site known as 'Otterbourne' comprises domestic curtilage at the north of the site with the main dwelling and agricultural land with a large stable block and open fields, hardstanding and a glasshouse on the southern part of the large site. Rue du Planel runs along the north boundary, there are residential properties and a commercial garage to the west, Route des Laurens runs along the southern boundary and residential properties an open field to the east. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

CURT/2024/1524 – Definition of Curtilage – Agreed September 2024.

FULL/2024/0876 – Change of Use of agricultural land to domestic garden (1,100sqm) – Approved September 2024.

FULL/2022/1284 – Erect covered horse walker – Approved September 2022.

Existing Use(s):

Residential use class 1: dwelling house.

Agricultural use class 28: agriculture.

Brief Description of Development:

This application is to erect a one and a half storey outbuilding, to house a garage and games room upstairs, with some hardstanding outside the front with a drive to connect to the existing drive.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There has been one letter of representation and the issues are;

- Section J to the Application form states that Miss Sarah Jackson is the owner of the site. However, Cadastre records list the owners as being a Mr Nicholas Howard Jackson and Mrs Caroline Anne Jackson.
- The submitted block layout plan is vague and possibly inaccurate with regard to the precise position and extent of the proposed gravelled parking area (and whether this is intended to be permeable or not), potential alterations (widening?) of the existing vehicular access, and potential removal of existing trees / vegetation.
- The building footprint (12m x 6m) is not drawn to scale on the submitted block layout plan. This is a cause for concern, as the position of the proposed building and its proximity to neighbouring boundaries cannot be properly assessed.
- Based on the submitted block layout plan, the proposed building could stand as close as 6m to the boundary with 'Maison De Haut'. A first floor window in the west gable and rooflights in the south-facing roof slope would cause harmful overlooking and a loss of privacy.
- The position of the proposed building within an open, exposed area, coupled with its large size and orientation parallel to the road, will result in a sprawl of built development across the site and a suburbanising effect that would be harmful to the rural character of the locality. This would be exacerbated by the extensive area of hardstanding that is proposed, all of which would be contrary to the principles of good design and sensitivity to local characteristics set out in IDP policies GP1, GP8 and GP13.
- The proposed building would not be ancillary householder development include siting, size, and the nature of the proposed accommodation giving the impression that the development would form a separate planning unit and be more akin to the erection of a new build dwelling.

Given uncertainty over the precise location of the building on the site, it also has the potential to be up to 30m distant from the existing dwelling, and as such would not be well related if intended to be used as a domestic outbuilding. The building would be served by its own independent access and parking area, would be physically and visually separated from the main dwelling by tree / hedge / shrub planting along the west side of the existing domestic driveway.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

Initially the application was deferred because the block plan was not to scale, the proposed structure was too far away from the main dwelling and was of a size that was not considered appropriate for an ancillary use especially as it would have had its own entrance and be over 30m away from the main dwelling.

The application was deferred and many discussions were had with the applicant regarding the location and the orientation of the proposed garage.

An amended block plan which is much more to scale has since been submitted, which shows the proposed garage much closer to the main dwelling, over 15m away from the north and west boundaries (which negates any concerns of overlooking into the neighbours property).

The garage will now have limited hardstanding in front of the garage with access to the garage from the existing driveway.

Although the building has not been turned to face the existing driveway as suggested (the reasoning is to prevent the horses from being spooked by cars) the building is now considered to be better located ensuring it is now ancillary to the main dwelling and less likely to be converted. Conditions shall be added to restrict the use of the

building to purposes incidental and ancillary to the domestic occupation of 'Otterbourne' only.

With these changes the application proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 05/02/2025