

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: Convert outbuilding to dwelling and associated works.

LOCATION: Outbuilding (North of "Naigy Contan"), Retot Lane, Castel.

APPLICANT: Ms T 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: 21/02/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/01/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Mark Frampton Architecture - 2018-559/02G

Application Ref: FULL/2024/2014

Property Ref: D01031C000

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. Prior to the outbuilding being occupied as a single self-contained dwelling with all ties or connections to Naigy Contan severed, the internal doorway link shown on the approved plans shall be formed and photographs of the completed works supplied to the Development & Planning Authority. The internal doorway link as shown on the approved plans shall be retained at all times thereafter.

Reason - To ensure that only a single unit of residential accommodation is formed in accordance with the details and terms of this permission.

5. Prior to the outbuilding being occupied as a single self-contained dwelling, with all ties or connections to Naigy Contan severed, a scheme for the treatment of the west site boundary of the curtilage to the approved dwelling shall be submitted to and agreed in writing by the Authority. The agreed scheme for boundary treatment shall be fully completed in the first planting season following the first occupation of the dwelling hereby approved.

Reason - In the interests of residential amenity.

Expiry Date: This permission will cease to have effect on 21/02/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In relation to condition 5 of this permission details appropriate to discharge this condition could include:

- a) Details of the height, design and appearance of a proposed timber fence
- b) Full details of hedge planting including a planting schedule noting the species, sizes/height, numbers and planting densities of the hedge proposed.

The planting season runs from 01 November to 31 March each year.

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/2024/2014
Property Ref: D01031C000
Valid date: 07/01/2025
Location: Outbuilding (North of "Naigy Contan") Retot Lane Castel
Guernsey GY5 7EG
Proposal: Convert outbuilding to dwelling and associated works.
Applicant: Ms T 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. Prior to the outbuilding being occupied as a single self-contained dwelling with all ties or connections to Naigy Contan severed, the internal doorway link shown on the approved plans shall be formed and photographs of the completed works supplied to the Development & Planning Authority. The internal doorway link as shown on the

approved plans shall be retained at all times thereafter.

Reason - To ensure that only a single unit of residential accommodation is formed in accordance with the details and terms of this permission.

5. Prior to the outbuilding being occupied as a single self-contained dwelling, with all ties or connections to Naigy Contan severed, a scheme for the treatment of the west site boundary of the curtilage to the approved dwelling shall be submitted to and agreed in writing by the Authority. The agreed scheme for boundary treatment shall be fully completed in the first planting season following the first occupation of the dwelling hereby approved.

Reason - In the interests of residential amenity.

INFORMATIVES

In relation to condition 5 of this permission details appropriate to discharge this condition could include:

- a) Details of the height, design and appearance of a proposed timber fence
- b) Full details of hedge planting including a planting schedule noting the species, sizes/height, numbers and planting densities of the hedge proposed.

The planting season runs from 01 November to 31 March each year.

OFFICER'S REPORT

Site Description:

Naigy Contan is a detached single-storey dwelling situated along a private roadway off Retot Lane. Naigy Contan is the last along the lane and has an area of hardstanding associated with it to the north. The property has a conservatory to the northwest corner and timber shed to the north of that conservatory.

To the north of the roadway is a detached pitched roof outbuilding which is the subject of this planning application. The first-floor accommodation is served by rooflights to the east elevation and rooflights and a dormer, with Juliet balcony to the west roofslope. The hardsurfacing and building to the north of Naigy Contan are within the existing domestic garden of the property. An area of decking with associated enclosure has been installed to the west of the building although the majority of the west boundary is currently largely open. A small metal shed has been installed in the northwest corner of the site adjacent to the outbuilding. There is a wall/fence and gateway to the south boundary. A low wall marks the boundary with the adjoining domestic property to the east, Woodcote.

The site is located Outside of the Centres.

Relevant History:

FULL/2018/2903 - Outbuilding (North of "Naigy Contan") Retot Lane - Raise roof height, install rooflights and extend existing domestic outbuilding to form a garage/workshop/store with first floor office/study/games room. Erect 1.5m high fence and gates to east of dwelling and outbuilding - granted

FULL/2019/1340 - Variations to plans previously approved to raise roof height, install rooflights and extend existing domestic outbuilding (garage/workshop/store with first floor office/study/games room) - Install dormer window with Juliet balcony on west elevation and alterations to fenestration of outbuilding (ground floor workshop/store with living area and first floor living room and bedroom/study) – granted

Pre-application advice was sought in this case.

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the change of use of the outbuilding at Naigy Contan to a self-contained dwelling. The building is currently split on the ground floor with the northern end laid out to provide a bedroom, bathroom and open plan living space and the southern end with a kitchen area and shower room facilities and with a staircase to the open plan first floor area. The first floor serves as a bedroom and sitting room space. The scheme indicates that a new internal door will be installed in order to provide connection between the north and south sections of the proposed dwelling.

The northern section of the building is utilised as an ancillary living unit associated with Naigy Contan whilst the southern part has generally been utilised by visiting family members.

The application has been accompanied by supporting information including from relevant States' Services and financial information along with a request for a minor departure from the IDP if considered necessary.

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

Island Development Plan policies:

OC1: Housing Outside of the Centres

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

IP7: Private and Communal Car Parking

Representations:

One letter of representation has been submitted on behalf of five interested parties and raises the following points:

- It was made clear as part of the original permissions that the use of the building as a separate dwelling would require the separate grant of planning permission and that it would not automatically follow that approval would be given
- The applicant has deviated significantly from the approved plans
- The justification for the original development was on compassionate grounds but its occupation since has starkly contradicted these assurances with the applicant residing in the outbuilding and rooms rented out in the main house which disregards the planning decision and the representations made at the time
- It is clear that the applicant intends to now sell the original house should permission be granted for this subdivision, a situation which Planning sought to avoid and which is contrary to policy

Character of the area

- This represents an overdevelopment of the site
- The proposal is an unacceptable intensification of the use of the property
- The amenity value of the area will be undermined

Highway safety, traffic and emergency access

- This will increase traffic and exacerbate existing concerns regarding parking and congestion
- There would be additional strain on the limited road capacity in this narrow road
- The separation of the properties and potential increase in occupancy could further hinder the ability of emergency vehicles to access properties along the road posing a risk to health and safety of all residents
- The development will put a strain on local infrastructure and will worsen the condition of the access roadway

Other matters

- The owner is using the property in a manner inconsistent with the approved development which represents a breach of planning control
- The applicant, it is understood, owns the second half of the access from Hillcrest down to the three bungalows but this is a thoroughfare and has not been maintained for over 5 years
- The owners of Hillcrest have not been consulted on this proposal and have not provided consent for the additional use of the thoroughfare.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development, the character and amenities of the locality and the amenities of neighbours and occupiers of the development along with access and parking arrangements.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

Policy OC1 supports the formation of new residential dwellings through the conversion of redundant buildings and so for a detached outbuilding such as this an application should seek to demonstrate that the building is no longer required or capable of being used for its current or last known purpose (GP16(A)). A domestic outbuilding may be put to any number of ancillary and incidental uses associated with the main dwelling however, and as a result Policy OC1 does not generally offer support for such proposals.

This is a balanced case where the evolution of the site (see history above) is relevant. The original house, Naigy Contan, did not originally benefit from the detached garden and associated outbuilding, with all amenity space and domestic storage being accommodated within the original house, garden and associated parking/roadway area. Whilst the purchase of the adjoining land and development of the detached outbuilding provided the site with a substantial outbuilding for use for any purposes ancillary to the principal dwelling it remains the case that Naigy Contan can function without the garage/outbuilding in terms of the needs of occupiers. This application presents personal supporting information that is particular to the circumstances of the applicant and family and the submission has been accompanied by a request for a minor departure from Policy GP16(A) a. Having regard to the site history and particular circumstances in this case the request for a minor departure may be considered.

It is noted that the existing dwelling benefits from a shed for domestic storage which will contribute to meeting the storage needs of occupiers. In light of the information set out above, this proposal can be accepted as a minor departure from this aspect of Policy GP16(A). It is essential however, that the proposed internal doorway link shown, under the stairs in the southern section, is provided. Without this internal

link the proposal would relate to the formation of two units of residential accommodation given that both portions are sufficient in size to meet the requirements of the current Building Regulations for residential accommodation and that the floorspace of both the north and south sections are broadly the same. The internal link is a matter that can be controlled by planning condition, to be installed and permanently retained.

A residential use as proposed would be compatible with the cluster of dwellings in this part of Retot and given the mix of property and plot sizes the proposal would not result in harm to the character and appearance of the locality (Policies GP1 and GP8).

The boundary wall and fence to the southern boundary west of the outbuilding provides screening between the external amenity space proposed and the conservatory (Naigy Contan). Although the gateway would offer glimpsed views to Naigy Contan this could be gated should the applicant/future owner consider this appropriate and the narrow gateway alone would not result in unacceptable overlooking and loss of privacy that would warrant the refusal of permission.

Given the material change of use proposed and the permanent occupation of the whole building as a dwelling it is also reasonable to require the west site boundary, which is currently open, to be clearly defined. This is required in the interests of the privacy and amenities of occupiers of the proposed dwelling and the adjoining property currently known as Foxton Rocks to ensure compliance with Policies GP8 and GP9 of the Island Development Plan. This is a matter that can be managed by planning condition and the boundary could be marked by either fencing or hedgerow.

The proposals will not alter the relationship between the building and other residential neighbours in terms of overshadowing and potential overlooking from fenestration in the building remains within acceptable limits (GP8 and GP9) given the distance separation between the application building and its neighbours to the east and west.

Although the application is specific to the requirements of the current site owner, a change of use to a self-contained dwelling must be assessed in terms of the amenities, health and well-being of other future occupiers (Policy GP8 and Annex I). The accommodation is well served in terms of aspect/outlook, sunlight/daylight and access to external open space around the property. The matter of privacy has been addressed elsewhere in this report.

In relation to internal space provision the building layout has been designed to meet the needs of current occupiers. This would not prevent internal alterations in future demonstrating that the building could be adapted in future to meet the changing needs of occupiers and offering flexible and adaptable accommodation (GP8).

The level of external amenity space associated with Naigy Contan would be reduced as the land around the outbuilding would no longer be available and the retained amenity space is limited. This however, was the situation before the outbuilding site was acquired by the current applicant a few years ago and on balance the level of amenity space available for the main house, in combination with the proximity of the site to the coast, paths and beaches is such that access to external amenity space for the main house is considered satisfactory.

The building overall offers ample internal space for a dwelling occupied by three persons (one single and one double bedroom) when considering Part G of the Building Regulations and also meets the DCLG Space Standards which are recognised as best practice.

The site is accessed via a private roadway and the formation of a new dwelling in the outbuilding at Naigy Contan would not result in the unacceptable intensification of the use of the roadway or vehicular access onto Retot in line with the aims of Policy IP9.

Although the drawings are labelled “parking for visitors” this area would likely be utilised by future occupiers of Naigy Contan and with the gravel area east of the outbuilding given over to that proposed dwelling. Nonetheless, there is adequate parking on site to serve the existing and proposed dwelling in line with the aims of IP7 which offers greater flexibility in terms of parking provision in Outside of the Centre locations such as this.

The shed indicated to serve Naigy Contan would, as set out elsewhere, go some way to providing storage for the original dwelling and could offer secure and covered cycle parking. The metal shed within the garden area of the outbuilding would also offer secure and covered cycle parking for the proposed dwelling in compliance with Policy IP6.

Subject to the internal link and boundary treatment being provided and given the particular circumstances of this case it is recommended that permission is granted for the proposed development.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 20/02/2025

