

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: Variation to previously approved plans to demolish existing building, relocate, and erect dwelling with associated works, erect vehicle and pedestrian gate - Relocate dwelling 2 metres to east, change of use of agricultural land to garden (104sqm).

LOCATION: Le Clos Vinery, Rue Des Marettes, St. Martin.

APPLICANT: Mr & Mrs A C Rogers

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: 29/01/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/12/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room - 171 E2 B, E3 A, E4 A, E5 A, E6 A & E13 A

Application Ref: FULL/2024/2032

Property Ref: J010590000

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 on or before 16/08/2027.

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). In this case, as the application is for variations, the time period corresponds with the original permission under application reference FULL/2024/1145.

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.The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 16/08/2024, issued under planning application reference FULL/2024/1145, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

Expiry Date: This permission will cease to have effect on 16/08/2027 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/2024/2032
Property Ref: J010590000
Valid date: 23/12/2024
Location: Le Clos Vinery Rue Des Marettes St. Martin Guernsey
GY4 6JW
Proposal: Variation to previously approved plans to demolish existing building, relocate, and erect dwelling with associated works, erect vehicle and pedestrian gate - Relocate dwelling 2 metres to east, change of use of agricultural land to garden (104sqm).
Applicant: Mr & Mrs A C Rogers

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 on or before 16/08/2027.

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). In this case, as the application is for variations, the time period corresponds with the original permission under application reference FULL/2024/1145.

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. The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 16/08/2024, issued under planning application reference FULL/2024/1145, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested for variations to works previously approved to demolish existing building and erect a 2 bedroom dwelling (FULL/2024/1145). The variations involve relocating the dwelling 2 metres to the east and the change of use of an additional parcel of agricultural land measuring 104sqm to domestic land.

The application site comprises a former horticultural site measuring approximately 2.08 hectares. The site has recently largely been cleared of glass with only a few remnants remaining including a packing shed in the south-west corner and concrete paths. The site is largely bounded to the north, east and partly to the south by agricultural or undeveloped land, some of which is currently covered by glasshouses. The western section of the site is bounded by Rue des Marettes and the south-west section is bounded by a neighbouring residential property and a hotel. The site is accessed via a tarmacked track onto Rue des Marettes. The site is located Outside of the Centres.

Relevant History:

16/08/2024 – FULL/2024/1145 – Permission granted to demolish existing building, relocate and erect dwelling with associated works, erect vehicle and pedestrian gate.

10/04/2024 – FULL/2024/0176 – Permission granted to convert and extend packing shed to form dwelling and associated works (revised scheme).

21/01/2022 – FULL/2021/1885 – Application refused to convert outbuilding to dwelling and associated landscaping.

Existing Use(s):

Agriculture use class 28

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:

Policy OC1: Housing Outside of the Centres

Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP15: Creation and Extension of Curtilage

Policy GP16(B): Conversion of Redundant Buildings

Policy GP17: Public Safety and Hazardous Development

Policy IP6: Transport Infrastructure and Support Facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

The relocated dwelling would remain aligned with and reasonably well related to the built development on the adjoining properties to the west and south and the proposal to relocate the dwelling 2 metres to the east would have no significant additional adverse effects on the landscape character and openness of the area.

The proposal involves the extension of the previously approved associated domestic land by 4 metres to the east, comprising of a total additional area of 104sqm. The proposed additional domestic land remains confined to the south-west corner of the site and the north and east boundaries align with and are well related to neighbouring properties. As a result, the proposal in effect rounds off the existing adjoining built development to the west and south, whilst retaining the openness and landscape character of the site as a whole. The proposed additional associated domestic land would have no unacceptable impacts on the character and openness of the landscape, in accordance with Policies GP1, GP15 and GP16(B).

The previously approved biodiversity enhancements remain relevant and would provide proportionate biodiversity enhancements, taking into account the size of the area of land involved.

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.

It is recommended that the application is approved.

Recommendation:
Grant with Conditions



Date: 28/01/2025

