

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: Change of use of agricultural land to domestic garden (120sqm), erect 2 storey extension to north-west (front) elevation, erect raised terrace to north-east (side) elevation, install rooflight, install cladding to dormer cheeks and alterations to fenestration. Widen vehicle access.

LOCATION: Le Petit Vallon Barn, Rue Du Gron, St. Saviour.

APPLICANT: Mr & Mrs Nicolls

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: 28/03/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/12/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Architects - 2480 03.01B, 03.02B, 03.03B, 03.04B, 03.05B, 03.06B, 03.07B, 03.08B, 03.09A, Jackson Fencing: J7/02154

Application Ref: FULL/2024/2039

Property Ref: E00049B000

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 hereby approved domestic curtilage extension being brought into first use or the completion of the terrace to the north-east elevation whichever is the sooner, full details of the landscaping scheme as shown on drawing 03.09A, including the size and density of plants, shall be submitted to and agreed in writing by the Authority.

Reason - To make sure that the appearance of the completed development is satisfactory, provides an acceptable demarcation between the approved extension of domestic curtilage and the woodland area to avoid encroachment onto the woodland area in the interests of protecting the rural character and appearance of the locality, and to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

5.The landscaping scheme for the north-east boundary of the extended domestic curtilage shall be fully completed, in accordance with drawing 2480/03.09A and as updated by the details agreed under the terms of the above condition 4, in the first planting season following the hereby approved domestic curtilage extension being brought into use or the completion of the terrace to the north-east elevation whichever is the sooner. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory, provides an acceptable demarcation between the approved extension

of domestic curtilage and the woodland area to avoid encroachment onto the woodland area in the interests of protecting the rural character and appearance of the locality, and to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

6. Within 2 months of the vehicular access being widened, the roadside boundary shall be made good to match as closely as possible to the existing boundary treatment, in accordance with the approved details.

Reason - To ensure the works are carried out in a reasonable time frame in the interests of visual amenity.

7. Prior to the installation of the natural horizontal oak cladding, a finished sample of the cladding material to be used shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - In the interests of visual amenity.

8. The 4 trees to the front of the hereby approved pitched roof extension, as shown on drawing 03.09A, shall be planted by the end of the first planting season following the hereby approved extension being brought into first use.

Reason - To make sure that the appearance of the completed development is satisfactory and to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

Expiry Date: This permission will cease to have effect on 27/03/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Due to the ambiguity shown on drawing 03.09A, please note that any change in ground level to the roadside earthbank may require a separate grant of consent, such as the removal or raising of the roadside earth bank.

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/2024/2039
Property Ref: E00049B000
Valid date: 19/12/2024
Location: Le Petit Vallon Barn Rue Du Gron St. Saviour Guernsey GY7 9RN
Proposal: Change of use of agricultural land to domestic garden (120sqm), erect 2 storey extension to north-west (front) elevation, erect raised terrace to north-east (side) elevation, install rooflight, install cladding to dormer cheeks and alterations to fenestration. Widen vehicle access.

Applicant: Mr & Mrs Nicolls

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 hereby approved domestic curtilage extension being brought into first use or the completion of the terrace to the north-east elevation whichever is the sooner, full details of the landscaping scheme as shown on drawing 03.09A, including the size and density of plants, shall be submitted to and agreed in writing by the Authority.

Reason - To make sure that the appearance of the completed development is satisfactory, provides an acceptable demarcation between the approved extension of domestic curtilage and the woodland area to avoid encroachment onto the woodland area in the interests of protecting the rural character and appearance of the locality, and to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

5. The landscaping scheme for the north-east boundary of the extended domestic curtilage shall be fully completed, in accordance with drawing 2480/03.09A and as updated by the details agreed under the terms of the above condition 4, in the first planting season following the hereby approved domestic curtilage extension being brought into use or the completion of the terrace to the north-east elevation whichever is the sooner. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory, provides an acceptable demarcation between the approved extension of domestic curtilage and the woodland area to avoid encroachment onto the woodland area in the interests of protecting the rural character and appearance of the locality, and to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

6. Within 2 months of the vehicular access being widened, the roadside boundary shall be made good to match as closely as possible to the existing boundary treatment, in accordance with the approved details.

Reason - To ensure the works are carried out in a reasonable time frame in the interests of visual amenity.

7. Prior to the installation of the natural horizontal oak cladding, a finished sample of the cladding material to be used shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - In the interests of visual amenity.

8. The 4 trees to the front of the hereby approved pitched roof extension, as shown on drawing 03.09A, shall be planted by the end of the first planting season following the hereby approved extension being brought into first use.

Reason - To make sure that the appearance of the completed development is satisfactory and to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

INFORMATIVES

Due to the ambiguity shown on drawing 03.09A, please note that any change in ground level to the roadside earthbank may require a separate grant of consent, such as the removal or raising of the roadside earth bank.

OFFICER'S REPORT

Site Description:

The site comprises a traditional detached dwelling-house set on the north-western edge of a woodland valley. The building is comprised of granite and features a traditional pitched clay tiled roof and a dormer window to the rear. The property is located Outside of the Centres and is outside of an Agriculture Priority Area (APA) as defined in the Island Development Plan (IDP).

In 2023, planning permission was granted to convert the former café/restaurant to a dwelling house (FULL/2023/0410). The agent has noted that:

"...the existing building has been soft stripped, and works have commenced with converting the existing toilet block (basement) into bedroom and en-suite along with forming the openings to the North West and North East elevations and insulating the existing building as per the previously approved scheme (FULL/2023/0410) and previously approved building licence (FP/2023/0949)."

The agent has further clarified the works carried out thus far in their e-mail dated 26th March. These works consist of the following:

Ground Floor

- *The whole building has been stripped out to a shell.*
- *Existing ground floor slab broken out and new concrete slab installed with insulation, under floor heating system and floor screed due to be installed this week/next.*
- *Existing timber floor between basement and ground floor removed and new timber joist floor installed with underfloor heating deck system installed over.*
- *Existing roof has been insulated and insulated plasterboard due to be installed this week.*

- Kitchen foul water drainage installed and plumbing first fixed.
- Electrics first fixed.
- Wall linings/insulation due to be installed next week.

Basement

- Works in the existing toilet block (basement) have started to convert to a bedroom and en-suite.
- Basement tanking carried out.
- En-suite new foul water drainage installed and plumbing first fixed.
- Floor screed installed, floor insulation and underfloor heating system due to be installed next week.
- Stud wall linings/insulation and partitions due to be installed this week.
- Electrics first fixed.
- New/replacement windows and doors are due to be installed next month.

Consequently, the works carried out in this particular case are sufficient to implement the permission, and therefore for planning purposes, the building is recognised as a dwelling-house. The relevant planning history is set out below.

Relevant History:

PREA/2024/1743	Convert, extend and alter property	Pre-application enquiry
FULL/2023/0410	Convert, extend and alter existing restaurant (Retail Use Class 11) to a dwelling (Residential Use Class 1).	Granted
FULL/2023/0330	Erect wall to south-west and south-east of building.	Granted
FULL/2017/2776	Convert first floor office to residential flat including install rooflight (north-west elevation) and alterations to fenestration. Remove hedge, erect boundary wall and gates and create parking area. Alter fenestration to showroom on north-east elevation (retrospective).	Granted
FULL/2016/0574	Erect timber building to serve drinks and snacks.	Granted
FULL/2012/2657	Convert and extend existing cafe to form one dwelling, to include garage on north west side, balcony on north east elevation, porch on south east elevation and 4 rooflights on south east elevation.	Granted

Existing Use(s):

Residential – dwelling-house.

Land to the east of dwelling- sui generis (formally associated with Bruce Russel & Son Limited (Gold and Silversmiths)).

Brief Description of Development:

Planning permission is sought to change the use of agricultural land to a domestic garden (120sqm) located to the side (east) of the building.

The application also includes erecting a 2 storey extension to north-west (front) elevation, erect a raised terrace to the north-east (side) elevation, install a roof light, install cladding to the dormer cheeks and altering the fenestration. Towards the front, the vehicle access is to be widened to 4m.

The proposed gable end extension will serve as a garage, entrance lobby/boot room and utility/WC at ground floor, and a master bedroom and ensuite and dressing room at first floor.

The application was deferred to clarify the proposed landscaping to the front of the property, and the demarcation for the proposed change of use of land. The agent has provided additional landscaping to the front of the proposed extension and has clarified the demarcation between the two land uses, namely the proposed domestic curtilage and the sui generis use (visitor attraction) to the north.

Visualisations of the proposed extension to the front of the house have also been provided following a reduction in the projection of the extension to the front of the house.

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

GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development
GP13: Householder Development
GP15: Creation and Extension of Curtilage
IP9: Highway Safety, Accessibility and Capacity

Strategy for Nature - Supplementary Planning Guidance (2020).

Representations:

None.

Consultations:

None.

Summary of Issues:

- The impact of the change of use of land to domestic curtilage on the landscape character and open land.
- Whether the design, scale, mass, siting, form and materials of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- Whether the proposal would have any detrimental impacts on the amenities afforded to the occupiers of neighbouring properties;
- Whether the alterations to the vehicle access point would adversely affect highway safety.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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.

Change of use of land:

Policy GP15 (Creation and Extension of Curtilage), amongst other policies, would also be relevant in the consideration of your application, which supports residential garden extensions subject to certain criteria. Policy GP15 states: *"A proposal to create or extend curtilage will be supported where:*

- a) it would not have an unacceptable detrimental impact on the landscape character; and,*
- b) it would not have an unacceptable impact on the biodiversity interest of an Area of Biodiversity Importance or, where negative impacts are unavoidable, they can be acceptably mitigated in accordance with a scheme to be agreed with the Authority in accordance with Policy GP3: Areas of Biodiversity Importance; and,*
- c) it is demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts; and,*
- d) it is demonstrated that it would not involve an unacceptable loss of established boundary features that contribute positively to the character of an area, unless the new or replacement boundary treatment makes an equal or enhanced positive contribution to the character of the area; and,*

- e) *it would not adversely affect the reasonable amenities of neighbouring residents.*

Policy GP1 (Landscape Character and Open Land) states that:

“Proposals will not be supported if they would result in the unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of an area.

Development will be supported where it:

- a. respects the relevant landscape character type within which it is set; and,*
- b. does not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area concerned; and,*
- c. takes advantage, where practicable, of opportunities to improve visual and physical access to open and undeveloped land; and,*
- d. accords with all other relevant policies of the Island Development Plan.”*

The application site is not located within an Area of Biodiversity Importance or within an Agriculture Priority Area (APA) as defined in the Island Development Plan.

The application is not proposing to remove any established boundary treatments by virtue of the change of use of land.

The land to the side (east) and rear (south-east) of the dwelling does contribute to a wider area of undeveloped area of woodland when viewed both spatially, and at ground level from the road. The land in question is recognised as falling under a Sui Generis use as part of the visitor attraction site associated with Bruce Russel & Son Limited (Gold and Silversmiths). Whilst the ownership appears to have changed, the use remains unchanged.

Whilst highly visible from the road (Le Gron), the proposed extension of domestic curtilage is considered to be relatively small and proportionate to the size of the dwelling-house which was converted as part of application FULL/2023/0410. The slight encroachment into this undeveloped section of woodland is unlikely to cause an unacceptable harm to the wider landscape character or visual amenity.

There is no requirement to restrict the exemption rights afforded to the householder to manage future development of the land in question when taking into account the limited width of the proposed increase in domestic curtilage. Moreover, most development forward of the front building line of the property is likely to require planning permission, such as sheds, outbuildings etc which would be assessed on the merits of such application.

Whilst it is noted that the landscaping scheme incorporates a new line of hedging and trees along the proposed extension of curtilage which is welcomed, it is considered necessary and reasonable to attach a condition to ensure that full details

are provided, including the spacing of planting to ensure that the demarcation is appropriate to avoid encroachment onto woodland area which would be to the detriment of the wider landscape character and visual amenity.

It is however noted that a new hedgerow is proposed along the roadside boundary as shown on the landscaping drawing (03.09A), to the east of the woodland area. Whilst planting a hedge does not require planning permission, an informative should be attached to the decision to notify the applicant any change in ground level to the roadside bank is likely to require a separate grant of consent, such as increasing the height of such feature. Drawing 03.09A is ambiguous in respect of the roadside earth bank.

In light of the amendments secured, the landscaping scheme proposed would provide an ecological benefit to the land and thus satisfy the bio-diversity requirements set out in the Strategy for Nature (Supplementary Planning Guidance, 2020).

The development proposed would not harm to the amenities of neighbouring residents due to the relationship to neighbouring properties.

The impact on the landscape character and open land has been considered under the provisions contained within Policy GP15. In summary, the proposed extension of domestic curtilage would not have a detrimental impact to the landscape character and open land, and the proposal would not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area, subject to appropriate conditions and informatives. The development is compliant with Policy GP1.

Extension and alterations:

The gable end extension to the front of the house represents a modest sized addition to the property, is subservient and proportionate to the house, and achieves a good standard of design by virtue of its scale, form, massing, siting and materials.

Whilst the projecting gable will be noticeable in the surrounding area and will alter the forward building line of the property, the resultant effect is not considered to cause significant harm to the character of the area or visual amenity. The visualisations provided demonstrate the potential effect on visual amenity. Given its relationship, the extension will not affect the amenities of neighbouring residents.

It is however recognised that the approved plans (FULL/2023/0410) included a tree to the front of the dwelling, although this was omitted as part of the original application.

In light of the amendments secured, the proposed landscaping scheme incorporates 4 trees of varying species to the front of the proposed extension. This will help

assimilate and 'soften' the extension into its rural surroundings. The timing of the planting should be conditioned accordingly as part of the landscaping scheme.

The proposed terrace area is approximately 1m deeper (3m in total) than that approved under application FULL/2023/0410) to the east of the building. Whilst the extra projection of the terrace is not encouraged as it does not overly respect the traditional granite building, it will not cause significant harm to the character of the building when taking into account the flexibility in both policies GP8 and GP13, nor will it adversely affect the character of the area or visual amenity. Given its distance, and relationship to the neighbouring property to the north, the extent of overlooking is considered to be limited and would not warrant grounds to refuse the application.

All other alterations to the property including the new roof light, installation of cladding to the dormer cheeks, fenestration and the 1.8m high granite wall to the rear respects the character and appearance of the original building and are supported under policies GP8 and GP13.

Widening of the driveway to 4m is acceptable, subject to the roadside boundary treatment being made good within a reasonable timeframe.

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.

Date: 27/03/25