

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 single storey outbuilding to north east of property.

LOCATION: Oakwood House, Les Osmonds, La Route Des Capelles, St. Sampson.

APPLICANT: Mr T Cluett

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: 01/05/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/12/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects: 1255_8C, _9C, _10C, _11A, _12, _13A, _14,

Application Ref: FULL/2024/2097

Property Ref: B011510000

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. No development, including site works, shall begin on site until the hedge located on, or adjacent to the north boundary of the site, however defined, has been protected, in a manner previously agreed in writing by the Authority. The hedge shall be protected in the agreed manner for the duration of the building operations hereby permitted. Notwithstanding the protection measures above, should part of the hedge die or be severely damaged or becoming seriously diseased, the section of hedge shall be replaced, with hedge plants of such size and species as the existing hedge, within one year of the date of any such loss.

Reason - The hedge is an important feature in the surrounding area and this condition is imposed to make sure that they are properly protected while building works take place on the site in order to assimilate the development into its surroundings and to minimise its visual impact.

5. The additional accommodation hereby permitted shall remain an integral part of and ancillary to the principal dwelling presently known as Oakwood House, and shall not at any time be severed from that dwelling to provide a self-contained unit of accommodation separate from the principal dwelling.

Reason - To ensure that the approved outbuilding remains ancillary and incidental to the principal dwelling to prevent the establishment of a separate dwelling or other independent accommodation.

Expiry Date: This permission will cease to have effect on 30/04/2028 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/2024/2097
Property Ref: B011510000
Valid date: 18/12/2024
Location: Oakwood House Les Osmonds La Route Des Capelles St.
Sampson Guernsey GY2 4GF
Proposal: Erect single storey outbuilding to north east of property.
Applicant: Mr T Cluett

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.

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permitted. Notwithstanding the protection measures above, should part of the hedge die or be severely damaged or becoming seriously diseased, the section of hedge shall be replaced, with hedge plants of such size and species as the existing hedge, within one year of the date of any such loss.

Reason - The hedge is an important feature in the surrounding area and this condition is imposed to make sure that they are properly protected while building works take place on the site in order to assimilate the development into its surroundings and to minimise its visual impact.

5. The additional accommodation hereby permitted shall remain an integral part of and ancillary to the principal dwelling presently known as Oakwood House, and shall not at any time be severed from that dwelling to provide a self-contained unit of accommodation separate from the principal dwelling.

Reason - To ensure that the approved outbuilding remains ancillary and incidental to the principal dwelling to prevent the establishment of a separate dwelling or other independent accommodation.

OFFICER'S REPORT

Site Description:

The site consists of a detached dwelling served by a driveway to the west of the building, a garden to the east of the property and a mature hedge bank which forms the northern boundary. The rest of the land under the applicant's ownership is recognised as agricultural land.

A certificate of Lawful Use was granted in 2024 to regularise the use of an outbuilding to the south of the dwelling for domestic storage and two outbuildings to the west for general storage.

The site is within an Agriculture Priority Area and is located Outside of the Centres as designated in the Island Development Plan Proposals Map.

Relevant History:

CLU/2024/1448	Certificate of Lawful Use to regularise use of outbuilding 4 for domestic storage (Residential use class 1) and outbuildings 1 and 2 for general storage (Storage/Distribution use class 22).	Granted
FULL/2018/3084	Permission granted to demolish existing conservatory and erect single storey flat roof extensions to south and east elevations. Install external insulating render system.	Granted

Existing Use(s):

Dwelling-house - Residential Use Class 1.

Brief Description of Development:

Planning permission is sought to erect a single storey outbuilding to the north-east of the property, within the recognised domestic curtilage.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Supplementary Planning Guidance Note (AN1) - Ancillary/Associated Living Accommodation Units – A Guide to Development.

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in determining this application are whether the proposal represents 'ancillary' development for the purposes of Policy GP13, and whether it achieves good design and respects the character and appearance of the surrounding area.

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.

There is support under Policy GP13 to erect a domestic outbuilding within the recognised domestic curtilage, provided such building is incidental or ancillary to the enjoyment of the dwelling. Planning Advice Note 'Ancillary/Associated Living Accommodation Units', notes that that one of the issues relevant to this, amongst

others, is the physical relationship between the ancillary or associated accommodation and the principal dwelling.

The size, location and proposed use of such structure can have a direct bearing as to whether a proposed structure or building could be regarded as being ancillary or not.

The gross internal area (GIA) of the outbuilding is relatively substantial, equating to 146sqm floor area. This would equate to approximately 60% of the GIA of the host dwelling. Moreover, when including the covered external terrace, the total floor area of the outbuilding is 168.3sqm.

Careful consideration to this issue has been given in the circumstances of this case. It is concluded having regard to the proposed uses of the building which are clearly intended as ancillary to the existing dwelling at the site, the relatively close proximity of the proposed building to and its relationship with the existing dwelling and the overall form and layout of the development, that it can be accepted as ancillary and incidental to the existing dwelling and thereby falls within the scope of Policy GP13.

The outbuilding is of single storey flat roof design, with a central slightly raised clearstory roof element which is designed to introduce sunlight in a controlled way at certain times of the day.

The building would be positioned at right angles to the main orientation of the dwelling, positioned to face towards the garden to the south, and would be relatively close to the northern boundary of the site. Beyond the boundary to the north is private land to which public access is allowed. The boundary is currently marked by an earth bank and an established hedge, which together will provide adequate screening of the rear of the proposed building from outside the site.

Given the limited overall height of the single-storey development, the visual impact of the structure on the surrounding area is unlikely to be significant. The walls of the building would be finished externally in timber cladding which will enable further assimilation with the landscape character of the area.

For the purposes of Policy GP8, the proposal achieves a good standard of design and would not have a significant detrimental effect on the character and appearance of the surrounding area.

A condition can be imposed to ensure that the existing hedge is retained and is protected during building works.

The proposal would not harm the amenity afforded to the occupiers of any nearby properties.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012

and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

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. Where relevant these have been considered in the assessment of this application.

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

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

For the reasons referred to above, it is recommended that the application be approved, subject to conditions.

Date: 30/04/2025