

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: Demolish glasshouse, change of use of outbuilding to a dwelling and associated works (revised scheme).

LOCATION: Entre Nous, Braye Du Valle, St. Sampson.

APPLICANT: Mr & Mrs P Rouget

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 23/01/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Chris Workman & Co Ltd - PR:24:06 01B, 02A

Application Ref: FULL/2025/0120

Property Ref: B01078A000

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 first occupation of the dwelling hereby approved the existing glasshouse shall be removed from the site and the land shall be re-instated so that it is capable of use as domestic garden.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

5.Prior to the first occupation of the dwelling hereby approved the existing glasshouse shall be removed from the site and the land shall be re-instated so that it is capable of use as domestic garden.

Reason - To ensure that adequate access to external amenity space is provided for future occupiers of the dwelling hereby approved having regard to Policy GP8 and Annex I of the Island Development Plan.

6.No occupation or use of the building hereby permitted shall begin until the approved cycle store (labelled bike and bin store on the approved plans has been fully completed in accordance with the details approved as part of this permission.

Reason - To encourage the use of bicycles as an alternative to the car.

7.Notwithstanding the proposed hedge shown on the approved plans, to separate the garden of Entre Nous from the dwelling hereby approved, a timber fence, no lower than 1.7m in height shall be erected along the south boundary of the domestic garden of the approved dwelling prior to its first occupation and shall thereafter be retained at all times.

Reason - In the interests of residential amenity. The hedge alone, particularly when newly planted would not provide an adequate screen to provide sufficient privacy to the amenity space of either Entre Nous or the approved dwelling.

8.8.a) Prior to the commencement of any work in connection therewith, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) planting schedules, noting the species, sizes, numbers and densities of plants for the hedge to the north site boundary; and
- ii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

b) The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the Authority. Any hedge 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 ensure that the boundary between the domestic garden area and agricultural land to the north is clearly defined and in the interests of visual amenity and landscape character.

9. The first floor bedroom window in the south elevation shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained at all times.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

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

ADVICE AND OTHER REMARKS:-

Planning permission is not required for the erection of a fence up to 2m in height where it complies with the requirements of the the Land Planning and Development (Exemptions) Ordinance, 2023 including the 2024 Amendments (or any other Ordinance replacing or re-enacting that Ordinance).

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/2025/0120
Property Ref: B01078A000
Valid date: 23/01/2025
Location: Entre Nous Braye Du Valle St. Sampson Guernsey GY2 4RD
Proposal: Demolish glasshouse, change of use of outbuilding to a dwelling and associated works (revised scheme).

Applicant: Mr & Mrs P Rouget

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 first occupation of the dwelling hereby approved the existing glasshouse shall be removed from the site and the land shall be re-instated so that it is capable of use as domestic garden.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

5. Prior to the first occupation of the dwelling hereby approved the existing glasshouse shall be removed from the site and the land shall be re-instated so that it is capable of use as domestic garden.

Reason - To ensure that adequate access to external amenity space is provided for future occupiers of the dwelling hereby approved having regard to Policy GP8 and Annex I of the Island Development Plan.

6. No occupation or use of the building hereby permitted shall begin until the approved cycle store (labelled bike and bin store on the approved plans has been fully completed in accordance with the details approved as part of this permission.

Reason - To encourage the use of bicycles as an alternative to the car.

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Reason - In the interests of residential amenity. The hedge alone, particularly when newly planted would not provide an adequate screen to provide sufficient privacy to the amenity space of either Entre Nous or the approved dwelling.

8. 8.a) Prior to the commencement of any work in connection therewith, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) planting schedules, noting the species, sizes, numbers and densities of plants for the hedge to the north site boundary; and
- ii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

b) The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the Authority. Any hedge 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 ensure that the boundary between the domestic garden area and agricultural land to the north is clearly defined and in the interests of visual amenity and landscape character.

9. The first floor bedroom window in the south elevation shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained at all times.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

INFORMATIVES

Planning permission is not required for the erection of a fence up to 2m in height where it complies with the requirements of the the Land Planning and Development (Exemptions) Ordinance, 2023 including the 2024 Amendments (or any other Ordinance replacing or re-enacting that Ordinance).

OFFICER'S REPORT

Brief Description of the site:

Entre Nous is a detached bungalow located to the north of Braye Road. An access driveway serving the dwelling and agricultural land beyond is situated adjacent to the east site boundary. The outbuilding that is the subject of this application is located adjacent to the west site boundary. The building has a rendered exterior and pitched, slate roof. The main entrance is to the north whilst patio doors face out onto the garden of Entre Nous to the south. A first-floor window also faces towards Entre Nous whilst a glazed gable window is situated in the north elevation, facing the open agricultural land beyond.

Ambridge is a dwelling located to the west of the application site and a detached pitched roof outbuilding is situated to the rear of this adjoining property and adjacent to the boundary with Entre Nous. The garage building is one and a half storeys in height with an external staircase to the rear/north.

The site is located Outside of the Centres. The domestic garden of Entre Nous falls outside an Agriculture Priority Area however land to the north of the site is situated within an Agriculture Priority Area.

Relevant History:

FULL/2018/1042 - Construct one and a half storey home office building to rear of dwelling (Residential Use Class 5) and change of use of agricultural land (use class 28) to domestic garden and parking (residential use class 1) – granted (conditions relating to landscaping and obscure glazed first floor window)

FULL/2024/1866 - Demolish glasshouse, change of use of outbuilding to a dwelling and associated works – refused

Existing Use(s):

05 home-based business
28 agriculture

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☐	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

Island Development Plan policies:
OC1: Housing Outside of the Centres
GP16(A): Conversion of Redundant Buildings
GP8: Design
GP9: Sustainable Development
IP6: Transport infrastructure and support facilities
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Consultation:

Office of Environmental Health and Pollution Regulation – commented on the 2024 application.

OEHPR recognised that there would be limited, if any, breaking of ground in converting the current office building to a domestic property but express concerns regarding the removal of the greenhouse to create domestic garden due to the potential risk of land contamination at the site. Records show that heated glasshouses were situated on site previously and one of those was situated on the same footprint as the glasshouse which is proposed to be demolished. It is not known whether any contaminated land surveys have been carried out historically which would assess any risks posed by the historical heated glasshouse use. Without knowing this, there is the potential for land contamination to be present and concerns exist regarding contamination of metals, hydrocarbons and/or pesticides. Other sources of contamination could also be present. A discovery strategy condition is recommended.

Conclusion/Brief comment:

The application relates to the change of use of the outbuilding used in connection with the applicant's business from office accommodation to a unit of residential accommodation comprising an open plan lounge/dining room, separate kitchen and a shower room on the ground floor. A bedroom is proposed at first floor level. A hedge is proposed to form the new boundary between the proposed dwelling and Entre Nous and parking for two cars is indicated to be provided to the north of the dwelling. Written confirmation has been provided regarding the business which has been sold with company offices in Bulwer Avenue and setting out that there is no business activity relating to the applicants former business operating at Entre Nous.

Policy OC1 sets out that the creation of new dwellings Outside of the Centres will only be supported where it is achieved through the subdivision of an existing dwelling (not applicable here) or the conversion of an existing redundant building. Policy GP16(A) requires a building to be demonstrated as no longer required or capable of being used for its current or last known purpose. In this case, the building was granted permission specifically for the purpose of a home-based business and not as an ancillary domestic outbuilding. It is also noted that no conditions were attached to the permission in relation to its reversion to part of the main house, Entre Nous, should the home-based business use cease. As a result, an application must be assessed only on the basis of whether the building is redundant for the approved purpose (home based business) and not in relation to any other domestic use.

As the planning history sets out, permission was previously refused for the change of use of this building to a dwelling because of the lack of supporting information to demonstrate that the use was redundant. This revised application has sought to address the lack of information through the inclusion of a supporting letter from the new business owner/operator which highlights that office facilities are provided at Bulwer Avenue. This revised application therefore demonstrates compliance with this aspect of Policy GP16(A).

Having only been constructed within the last 7 years and based on the visual inspection of the exterior undertaken the building is of sound and substantial construction. The scheme proposes no external alterations and only minor internal changes to the layout the scheme complies with criteria c. and e. of Policy GP16(A). The siting of the building, to the rear of the main house, is such that it will not impact on the character and openness of the landscape concerned (criteria f.).

The proposal does incorporate a small lean-to extension to house bins and bikes in accordance with the modest extension supported by Policy GP16(A).

The building exists on site and does not result in unacceptable overshadowing or loss of light to either the main house or any other surrounding dwelling.

The first-floor obscure glazed window is not the only fenestration serving the proposed first-floor bedroom, with the Juliet balcony facing north and rooflights to both roofslopes. The retention of obscure glazing would not have an unacceptable impact on aspect and outlook for future occupiers. The window was required to be obscure glazed in terms of the amenities of occupiers of Ambridge and their associated external amenity space and this condition would remain appropriate in this regard and is now also deemed necessary in order to protect the amenities of future occupiers of Entre Nous itself (GP8 and GP9). This matter could be controlled by condition.

The scheme would alter the relationship between Entre Nous and the application building although it is noted that a hedge is proposed to separate the two garden areas. Additional boundary screening is appropriate in this case given that the boundary hedge will take time to mature (GP8 and GP9). The hedge, in addition to associated screening would be necessary to offer privacy to the amenity space for properties and a planning condition would be appropriate.

The retained amenity space to serve Entre Nous and proposed amenity space, following the demolition of the existing domestic glasshouse, would be sufficient for the enjoyment of future occupiers in line with the aims of Policy GP8 and Annex I of the IDP. It is reasonable to require the glasshouse to be removed prior to first occupation to ensure the amenity space for the proposed dwelling is provided.

Overall, the proposed dwelling would meet Annex I of the IDP in relation to aspect/outlook, sunlight/daylight and internal space provision exceeds Part G of the Building Regulations and the best practice DCLG guidance for internal space provision. The distance between Entre Nous and the proposed dwelling is such that the proposed accommodation will not suffer from an unacceptable degree of overlooking or loss of privacy.

As part of the original scheme in 2018 four parking spaces were indicated to exist serving the existing house. The application proposes two off-road parking spaces for the proposed dwelling which is considered appropriate for a dwelling of the size indicated in a location where parking provision is assessed on a case-by-case basis. The revised scheme makes provision for secure and covered cycle storage in line with IP6 however and its provision can be managed by condition.

OEHPR provided comments following the determination of the previous application but confirmed that a Discovery Strategy condition regarding possible unknown contaminants would be reasonable in this case.

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.

In view of the above it is concluded that the revised scheme complies with all relevant policies in the Island Development Plan and it is recommended permission is granted.

Recommendation:

Grant with Conditions



Date: 27/03/2025

