

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 Condition 8 of FULL/2022/0709 - To alter physiotherapist's business working hours.

LOCATION: La Parchonnerie, Les Rouvets Road, Vale.

APPLICANT: Mr & Mrs B & S Daking

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: 28/02/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/01/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Digimap Address Locator (scale 1:1250) and letter from DRP dated 27/01/2025

Application Ref: FULL/2025/0164

Property Ref: C021270000

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 04/08/2025.

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.The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 05/08/2022, issued under planning application reference FULL/2022/0709, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

Expiry Date: This permission will cease to have effect on 04/08/2025 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/2025/0164
Property Ref: C021270000
Valid date: 28/01/2025
Location: La Parchonnerie Les Rouvets Road Vale Guernsey GY6 8NQ
Proposal: Variation to Condition 8 of FULL/2022/0709 - To alter physiotherapist's business working hours.

Applicant: Mr & Mrs B & S Daking

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

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Reason - To limit the effect of the permission to the specified variation/s only.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a traditional, detached dwelling-house which lies on a large plot that forms the corner of Les Rouvets Road and Rue Des Marais, Vale and the 2022 planning permission relating to extensions and alterations to the dwelling has been implemented, construction is currently underway to erect the approved detached garage building.

Hardstanding is provided to the south and southwest of the dwelling. 1.8m high timber fencing has been erected along the west and north boundary with the glasshouses and outbuilding east of Sunnyside, Dens Cottage and Selva.

The site is located Outside of the Centres and within a Conservation Area as designated in the Island Development Plan.

Relevant History:

The western section of the dwelling was once used as a dentist surgery which ceased use some years ago and is now recognised as part of the dwelling-house, albeit the floor plans remain unchanged based on the drawings submitted.

FULL/2021/0918 - Change of use of dwelling (residential use class 1) to mixed use as part dwelling (residential use class 1) and part physiotherapist (public amenity use class 18) – granted subject to conditions limiting the use to the occupier of the house/applicant, to be carried out in strict accordance with the business details set out in the submission and limiting the hours of operation to 9-5 Monday to Friday and 9-12 on Saturdays with exceptions made for emergencies.

FULL/2022/0709 – Change of use of dwelling (residential use class 1) to mixed use as part dwelling (residential use class 1) and part physiotherapist (public amenity use class 18). Extend and alter at ground, 1st and 2nd floor levels, erect detached garage to west boundary, install gate to existing vehicle access and create additional vehicle access – granted

Condition 7 – The mixed use hereby approved shall not be carried on otherwise than in strict accordance with the details set out in the letter of application dated 24th May 2021 and approved under application reference FULL/2021/0918, and within

the terms of Residential Use Class 1 and Public Amenity Use Class 18 (Physiotherapy) of the Land Planning and Development (Use Classes) Ordinance, 2017, or of any provision equivalent to that Use Class in any Ordinance replacing or re-enacting that Ordinance.

Condition 8 – The business shall not operate outside the hours of 09:00-17:00 (Monday to Friday), unless for an emergency appointment as set out in the letter of 24th May 2021 approved under application reference FULL/2021/0918, 09:00 - 12:00 on Saturdays or at any time on Sundays or Public Holidays.

FULL/2024/0942 – variation to application FULL/2022/0709 to raise and alter garage roof height and form to create store at first floor level, install external steps to south elevation – granted

Existing Use(s):

01 dwellinghouse

Permission granted for physiotherapy operated by the owner/occupier

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:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

GP14: Homebased Employment

Conclusion/Brief comment:

The application seeks to vary condition 8 of planning application reference FULL/2022/0709 to extend the operating hours of the approved physiotherapy business. The physiotherapy studio incorporated a treatment room, WC and studio on the ground floor and with an internal link to the main house through the study (existing).

The 2022 application was accompanied by a letter setting out that there was previously a dental clinic on the site although this use has long since ceased. The submission outlined that most appointments will be on a one for one basis and the use would operate in line with the conditions imposed on planning permission FULL/2021/0918 (9-5 Monday to Friday and 9-12 on Saturdays with exceptions made

for emergencies). The 2021 submission confirmed that the business would be operated by the applicant who resides in the main house at La Parchonnerie with scope for one additional employee.

The previous proposals for the physiotherapy studio were considered prior to the introduction of the current exemption rights relating to Residential Use Class 5. Class 3 of the Exemptions set out specific criteria that would be applicable including:

- No more than two persons working at any one time
- No more than 8 people visiting in a day or two people at any one time

It remains the case that the principle of operating a physiotherapy business from the premises has been established, through the grant of two previous planning permissions. The scale and nature of the business, despite longer operating hours as proposed, would still remain low intensity and being mindful of the nature of use proposed, hours of operation/comings and goings, staff numbers and flexibility offered for developments since 2023 for home based employment, the scheme as amended would not have a detrimental effect on neighbour amenity.

Given the flexibility offered by the current exemption rights consideration must be given to whether it is reasonable to impose a replacement condition regarding the revised operating hours proposed when the proposals could now comply with the 2024 exemptions.

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 the proposed changes to operating hours is supported and it is recommended this variation is approved.

Recommendation:

Grant with Conditions



Date: 27/02/2025