

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 garage and land from residential (Use Class 1) to use as part of the dwelling for business purposes (Use Class 5), and erect a sign to east (front) elevation (retrospective).

LOCATION: Garage & Land at Les Landes, Le Petit Axce, Vale.

APPLICANT: Mr I Robinson

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: 27/06/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/03/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Martel Design Ltd - 25-1144 01A;
Photo 1 and Emails recieved 06/06/2025 and 23/04/2025

Application Ref: FULL/2025/0287

Property Ref: C013720000

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. This permission is solely for the benefit of the applicant and shall not run with the land. When the dwelling and premises cease to be occupied by Mr Robinson, the use hereby permitted shall cease and the site shall revert back to Residential Use Class 1, domestic curtilage in association with Euna Cottage.

Reason - The use is acceptable only as a small scale, business from home, in accordance with Policy GP14. A stand alone use for storage and distribution would be contrary to other IDP policies.

5. The development hereby approved shall be operated in accordance with the information submitted by the Agent/applicant in emails dated 23rd April and 06th June 2025.

Reason: To ensure there is no harmful impact on neighbouring amenity.

6. No activity shall be carried out and no deliveries received at or despatched from the site outside the hours of 8.00 am to 6.00 pm Monday to Friday, and 9.00 am to 1.00 pm on Saturdays, nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.

7. The external storage hereby approved shall not exceed more than 3m in height when measured from the level of the hardstanding on the site.

Reason: In the interest of visual amenity.

8. The storage of equipment and vehicles shall only take place in the area shown on the approved photo 1 in red for equipment storage and in black/blue for the parking of vehicles respectively. No storage of vehicles or equipment shall take place on the concrete ramp.

Reason: In the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 26/06/2028 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/2025/0287
Property Ref: C013720000
Valid date: 11/03/2025
Location: Garage & Land at Les Landes Le Petit Axce Vale Guernsey
GY3 5DS
Proposal: Change of use of garage and land from residential (Use Class 1) to use as part of the dwelling for business purposes (Use Class 5), and erect a sign to east (front) elevation (retrospective).
Applicant: Mr I Robinson

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. This permission is solely for the benefit of the applicant and shall not run with the

land. When the dwelling and premises cease to be occupied by Mr Robinson, the use hereby permitted shall cease and the site shall revert back to Residential Use Class 1, domestic curtilage in association with Euna Cottage.

Reason - The use is acceptable only as a small scale, business from home, in accordance with Policy GP14. A stand alone use for storage and distribution would be contrary to other IDP policies.

5. The development hereby approved shall be operated in accordance with the information submitted by the Agent/applicant in emails dated 23rd April and 06th June 2025.

Reason: To ensure there is no harmful impact on neighbouring amenity.

6. No activity shall be carried out and no deliveries received at or despatched from the site outside the hours of 8.00 am to 6.00 pm Monday to Friday, and 9.00 am to 1.00 pm on Saturdays, nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.

7. The external storage hereby approved shall not exceed more than 3m in height when measured from the level of the hardstanding on the site.

Reason: In the interest of visual amenity.

8. The storage of equipment and vehicles shall only take place in the area shown on the approved photo 1 in red for equipment storage and in black/blue for the parking of vehicles respectively. No storage of vehicles or equipment shall take place on the concrete ramp.

Reason: In the interests of visual amenity.

OFFICER'S REPORT

Site Description:

The application site comprises a small area surrounded by agricultural land on the western side of Le Petit Axce. The site is currently occupied by a single garage to the north with space for two vehicles to the south.

Traditional low earthbanks divide the land from the surrounding fields, with scrub vegetation to the west and southern boundaries.

The site is recognised as residential curtilage for Euna Cottage, and a condition of the FULL/2011/0016 approval was applied to ensure the garage is used for purposes

incidental to the enjoyment of Euna Cottage only, and not in connection with any trade or business.

Relevant History:

Application number	Description	Decision
FULL/2011/0016	Demolish existing garage and erect replacement garage.	Approved 02/2011
FULL/2010/2697	Demolish existing garage and erect new oak framed garage with carport	Refused 10/2010
FULL/2009/4291	Demolish existing and erect replacement garage and store	Refused 02/2010

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

Originally the application proposed the change of use of the existing domestic garage and parking area to a storage and distribution use (Use Class 22), and also included the erection of an advertising sign to the east (front) elevation of the garage.

This has been revised following officer concerns regarding the proposed use and now proposes the change of use from domestic (Use Class 1) to use as part of the dwelling for business purposes (Use Class 5), which is for home based employment. The proposed advertisement to the east elevation of the existing garage is also still included in the application.

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

OC3- Offices, Industry and Storage and Distribution Outside of the Centres
GP14- Home Based Employment
GP1- Landscape Character
GP8- Design
GP9 -Sustainable Development.

Representations:

One letter of representation has been received from a neighbouring property; this has been summarised below:

- Harmful impact on amenity for local residents- additional noise and disturbance

- Harmful impact on road users due to increased traffic and use of narrow lane by heavy goods vehicles.
- Inappropriate location for business- away from main centre, in residential area.
- Visual impact on countryside surrounding and character of rural lane
- Business does not need to be located here, should be in main centre.
- Retrospective application- the existing unlawful use does not justify the proposal.

Consultations:

N/a

Summary of Issues:

The main issues in this instance are the principle of the development and the impact on neighbours and the landscape character.

The proposal has been revised to propose a change of use to residential use class 5 rather than as a standalone storage and distribution use class. This means that the use can reasonably be tied to the occupant of the main dwelling offering a greater degree of control of the use and is considered more appropriate in policy terms.

The Planning Exemptions Ordinance allows for the change of use of a part of a dwelling for use for business purposes (use class 5). However, in this case a condition was placed on the original grant of consent that prevents the use of the garage and parking for business purposes without express planning permission. In addition, the proposal would not have complied with the exemption provision due to the requirement for outside storage.

Policy GP14 of the IDP allows for the use of part of a dwelling, or a building within the curtilage, for the purpose of a business carried out by the occupier. The policy explains that uses which may be considered acceptable as home-based working typically employ a low number of people, have a low intensity of use, do not require a significant level of support services and are of a scale and form which do not detract from the character of the surroundings. Uses which may be considered acceptable include minor office uses, as well as small scale operations such as workshops and goods storage which can be reasonably carried out from a residential property.

Compliance with the policy relies on the use of the site remaining clearly in residential use by the occupier, and as the main dwelling remains in residential use this is considered to be acceptable. A condition will be used to ensure that once the use ceases the development reverts to the principal residential use of the site.

The existing garage and parking area, which despite being physically separated from the main dwelling and garden, by the road, is considered as being within the recognised domestic curtilage of Euna Cottage.

The applicant has provided additional information by emails received 6th June and 23rd April 2025, regarding the use proposed. This confirms that the site is likely to be accessed twice a day, with a total of three employees, including the occupant. Usually there would only be one vehicle parked at a time and a maximum of two-bathroom pods stored externally. The pods are generally stored away from site where possible with approx. 8 months storage a year away from the site and 4 months on site, delivered by a small HIAB crane. The garage itself is used for general storage of tools and materials.

This level of usage, as described by the applicant, is considered to be small scale and low intensity, which is unlikely to generate significant and regular levels of noise, disturbance or disruption to neighbours. The existing use as a residential garage could reasonably generate a similar level of noise and disturbance to that proposed, through its use for parked vehicles, residential storage and garage which could be used as a workshop etc for domestic activity. The existing hardstanding offers the space to park two or three vehicles which, under the existing domestic use could potentially include large commercial vehicles. Therefore, the use of the hardstanding to accommodate up to two bathroom pods would have a similar visual impact to that currently possible under the existing use.

The proposed signage is appropriate in its positioning, scale and design, and is considered acceptable in this location.

In summary, the information provided by the applicant has justified the consideration of the proposal as an appropriate small-scale home business which remains ancillary to the main residential use of the Euna Cottage, and on balance, the proposal will not lead to an unacceptable detrimental impact on the amenity of the area or the amenities of nearby residents. This means the proposal is in accordance with Policy GP14 of the IDP.

Date: 27/06/2025

