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 for ancillary living to east of property.

LOCATION: Le Bonheur, Rue Du Closel, Vale.

APPLICANT: Mr & Mrs Ashworth

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: 01/07/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/05/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: SOUP Architects: 397.090(1), 100

Application Ref: FULL/2025/0821

Property Ref: C016260000

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 decision permits the erection of an outbuilding to be used as an integral part of and incidental to the principal dwelling presently known as Le Bonheur. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

Reason- To define the permission for the avoidance of any doubt and to ensure that the development takes the form applied for and does not form a separately occupied annex or independent dwelling contrary to Policy OC1 of the Island Development Plan.

Expiry Date: This permission will cease to have effect on 30/06/2028 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

States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No:	FULL/2025/0821
Property Ref:	C016260000
Valid date:	08/05/2025
Location:	Le Bonheur Rue Du Closel Vale Guernsey GY3 5BX
Proposal:	Erect single storey outbuilding for ancillary living to east of property.
Applicant:	Mr & Mrs Ashworth

RECOMMENDATION - Grant: Planning Permission with Conditions:

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OFFICER'S REPORT

Brief Description of the site:

The application site comprises a large detached property situated to the south of Rue du Closel. A review of aerial images confirms that the site was once under glass and used for horticulture which was cleared between 1938 and 1979 and the dwelling erect sometime between 1979 and 1990. Following the grant of planning permission ref: FULL/2023/1638 the whole of the site is recognised as domestic curtilage.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

The application was the subject of pre-application discussions.

FULL/2023/1638	Change of use of agricultural land to domestic garden (1,540sqm), erect single storey outbuilding to south boundary, erect glasshouse to west boundary, install hardstanding and widen vehicle access.	Granted 05/12/2023

Existing Use(s):

Residential – Use Class 1

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

Conclusion/Brief comment:

Planning permission is sought to erect a single storey outbuilding to the east of the main dwelling to be used for ancillary living by the applicants elderly father.

Planning permission was granted in 2023 amongst other things to change the use of agricultural land to domestic garden and to erect a single storey outbuilding to the east of the main dwelling. The outbuilding was to be used as a garage ancillary to the main dwelling. A condition was imposed on the permission requiring the landscaping scheme to be completed by March 2025, and although some of the planting has been planted, the landscaping scheme has not been completed as required. However, given that any planting would be disturbed by the development now proposed a request to vary the condition to allow additional time to complete the landscaping scheme was received and has been allowed. The extension to the curtilage as approved has therefore been implemented, and the dower unit the subject of this application falls within the recognised domestic curtilage for this property.

The proposed outbuilding will measure 10m in length by 6m in width with the ridge height measuring 4.2m from ground level. The outbuilding will be of a similar size to that previously approved under the 2023 application albeit it will be repositioned slightly further to the south and away from the boundary. The proposed alterations are of an appropriate scale, mass and form so as not to detract from the openness of the surrounding area. Situated to the rear of the property the proposal will not negatively impact on the appearance of the surrounding area. The design of the proposal and the materials to be used will match the existing dwelling in-keeping with the character and appearance of the surrounding area.

Given the position of the proposal, the boundary screening present and its distance from any neighbouring residential properties, it will not have any significant impact on the amenities afforded by the occupiers with regard to sunlight, daylight or loss of privacy.

The proposed dower unit will comprise a lounge, kitchen/living area, shower room and a small art room all at ground floor level. In support of the application the applicant's agent by letter (dated 02/05/2025) has confirmed that the dower unit will be used for a purpose ancillary to the main use of the dwelling house by the applicant's elderly father, who requires close family care. The letter confirms that the garden space, the utilities and storage will all be shared with the occupiers of the main dwelling and that main meals will be taken in the main dwelling.

Although the floor space of the dower unit is relatively generous, the relationship of the occupiers of the dower unit and the principal dwelling, the nature of use and facilities to be shared indicate that the additional accommodation would be subsidiary to and dependent upon the principal dwelling unit. In addition, the relationship between the principal dwelling and the outbuilding would not enable the site to be easily subdivided without compromising the amenity of both the outbuilding and the principal dwelling.

It is recommended that for the avoidance of any doubt a condition is included on any permission to ensure that the accommodation provided remains ancillary to the main dwellinghouse.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

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.

Recommendation:
Grant with Conditions ☑

Date: 01/07/2025