

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 outbuilding to south of site (retrospective).

LOCATION: Cote d'Chethou, The Dunes, Vazon Road, Castel.

APPLICANT: Mr C Pohl

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: 09/10/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/08/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: 2 Annotated photos (dated 15/07/2025), & Block Plan (dated 06/10/25).

Application Ref: FULL/2025/1151

Property Ref: D006110000

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.

Expiry Date: This permission will cease to have effect on 08/10/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

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/2025/1151
Property Ref: D006110000
Valid date: 11/08/2025
Location: Cote d'Chethou The Dunes Vazon Road Vazon Road Castel
Guernsey GY5 7LQ
Proposal: Erect outbuilding to south of site (retrospective).
Applicant: Mr C Pohl

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).

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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.

INFORMATIVES

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

OFFICER'S REPORT

Site Description:

The property known as 'Cote d'Chethou' is a pre-1900's single storey cottage which is set back from and faces north onto a track known as The Dunes, some 30m southward of Vazon Road. There is an attached neighbour to the east and a detached neighbour to the west. The property has a very limited garden to the south with another neighbour beyond. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This is a retrospective application to erect an outbuilding to the south of the dwelling in the narrowest part of the end of the garden.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There has been two letters of representation received and the issues are;

1. Overhanging Structure. - The Roof gable ends of the constructed building overhang the neighbours property. This is a clear encroachment of the neighbours property. NO PART of a development should extend beyond its legal boundary.

2. Inaccurate Boundary Representation- The application contains inaccuracies regarding the boundary line between the property of the Applicant and the neighbours property. The submitted plans do not reflect the true demarcation, and it is believed they misrepresent the spatial relationship between the sites. Therefore it is requested that the planning authority correct the plans that accurately show the legal boundary.

3. Excessive Height and Loss of Light - The building that has been constructed is disproportionately high and will result in significant loss of natural light in that part of the neighbours garden which is where their greenhouse is situated.

4. Rainwater Runoff and Garden flooding. - Due to the steep incline of the gable roof, and wall cappings, and the absence of guttering on the structure is allowing rain water to cascade down the ends of the roof onto the neighbours property causing flooding and making an area of the garden inaccessible. This is raising concerns of waterlogged areas which will be damaging to the neighbours property. Even if guttering were to be erected it is suspected that this would actually overhang onto the neighbours property.

5. Loss of Long-standing View - Due to the height of the building It has obstructed a view the neighbours have enjoyed for over 30 years. This view has been an integral part of their home and surroundings contributing to their quality of life and the character of the area. The loss is deeply felt and represents a significant change to the visual amenity of the neighbours property.

6. Request for site visit. – The neighbours wish to formally request that a representative from the planning department visit the site to take independent measurements with them being present as they do not believe the dimensions quoted are accurate and a site visit would help clarify the true impact of the development.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The applicant erected the outbuilding with the belief that it was exempt works, however, it was proven to be too tall, too close to the boundary and overhung the boundary. When a site visit was carried out it was also noticed that the outbuilding has a double bed in it, and it looked like someone was living – at least sleeping – in this very small space.

The outbuilding is relatively close to other tall outbuildings on neighbouring properties, and so not clearly visible from several long viewpoints. It may slightly affect the neighbours light into their greenhouse, but it would only be for a while in the mornings until the sun moves around, not for the majority of the day, and does not affect habitable accommodation, therefore the effect is not considered enough to warrant a refusal.

The application form states that the internal floor area for the outbuilding is 7.56sqm, the smallest size for a domestic bedroom is 7sqm with a minimum dimension of 2.2m. The outbuilding is only just big enough to allow a single person to sleep, as long as it has been passed by Building Control to allow the outbuilding to be used for sleeping.

Although unusual and slightly eccentric the outbuilding is not thought to have any detrimental impacts on the character and appearance of the surrounding area, nor will it have any adverse effects on the majority of the neighbouring properties.

Concern raised within the representations in relation to the outbuilding overhanging the boundary is a private civil matters between the parties concerned and not material planning considerations which would influence a decision on this planning application. Any grant of planning permission would be without prejudice to the normal legal rights and privileges of third parties with regards to ownership disputes.

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

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

3 - General material considerations set out in the General Provisions Ordinance.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 09/10/2025