

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 3 OF THE LAND PLANNING AND DEVELOPMENT (CERTIFICATES OF LAWFUL USE) ORDINANCE, 2019

**NOTIFICATION OF REFUSAL OF A
CERTIFICATE OF LAWFUL USE**

DESCRIPTION OF USE: Regularise use of property from hotel to Residential Use
Class 6: premises in multiple occupation for use as staff
accommodation.

**ADDRESS OR
LOCATION OF LAND:** The Dog House, Rohais, St. Peter Port.

**NAME AND ADDRESS
OF APPLICANT:** Nut Tree Limited
C/O Le BLanc Muzel
Cobo Coast Road
Castel
GY5 7HB

I refer to the application referred to below received as valid on 01/10/2019 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 12/04/2021

Application Ref: CLU/2019/2045

Property Ref: A310680000

The Development & Planning Authority has decided to refuse your application under the provisions of section 3 of the Land Planning and Development (Certificates of Lawful Use) Ordinance, 2019 for the following reasons:-

The information provided within the application demonstrates that the claimed use is likely to have commenced between 2006 and 2007, and that in 2018 the upper floors appear to have been used at that time for staff accommodation. However, having regard to the requirements of the Land Planning and Development (Certificates of Lawful Use) Ordinance, 2019, this application does not prove, on the balance of probabilities, that the use to which the application relates has been operating continuously at the level claimed for the entirety of the ten year period prior to the date of this application, or for more than four years since the Authority first knew about the change of use.

Under section 3 of the Land Planning and Development (Certificates of Lawful Use) Ordinance, 2019, the Authority must issue a Certificate of Lawful Use for the relevant use

if it is satisfied that it has been provided with information satisfying it of the lawfulness of that use at the time of the application; in any other case it must refuse the application.

As, for the reasons set out above, the information submitted cannot be considered to satisfy the Authority of the lawfulness of the use at the time of the application, this application must be refused.

OTHER REMARKS:-

Right of appeal against planning decisions

Your attention is drawn to the provisions of Section 68 of the Land Planning and Development (Guernsey) Law 2005, as amended, which provides a right of appeal against a decision to refuse an application for a Certificate of Lawful Use to the Planning Tribunal on the ground that the Authority made a material error as to the facts of the case. 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 three months beginning with the date on which the Authority made this decision.

A handwritten signature in black ink, appearing to read 'A J Rowles', is written over a large, faint circular stamp or watermark.

A J ROWLES
Director of Planning
Planning Service