**ONLINE VERSION**

**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 agricultural land to domestic garden.

**LOCATION:** Briarwood, Grande Rue, La Turquie, Vale.

**APPLICANT:** Mr & Mrs A Le Conte

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: 13/11/2019**

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/07/2019 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Chateaux Architectural Design 19/055/02A.

**Application Ref:** FULL/2019/1377

**Property Ref:** C004220000+C003240000

**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 12/11/2022 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

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States of Guernsey
Planning Service

**PLANNING APPLICATION REPORT**

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|---|---|
| **Application No:** | FULL/2019/1377 |
| **Property Ref:** | C004220000+C003240000 |
| **Valid date:** | 01/07/2019 |
| **Location:** | Briarwood Grande Rue La Turquie La Turquie Vale Guernsey GY3 5EB |
| **Proposal:** | Change of use of agricultural land to domestic garden. |
| **Applicant:** | Mr & Mrs A Le Conte |

**RECOMMENDATION -** Grant: Planning Permission with Conditions:

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**OFFICER'S REPORT**

**Brief Description of the site:**

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

The existing domestic garden of the property extends up to and in line with the eastern edge of a hexagonal-shaped outbuilding, located to the east of the dwelling. The area beyond the domestic land is recognised as agricultural land.

The agricultural land in question comprises a large grassed area, enclosed by mature landscaping to the north and east, with a series of silver birch trees to the south. Based on orthophotographs it appears that a former glasshouse once stood on the grassed area and cleared between 1979 and 1990. To the east of the grassed area of land stands a large redundant glasshouse and packing shed, bounded by the edge of a quarry.

Planning permission was originally sought to change the use of entire area of agricultural land, including the grassed area and redundant glasshouse and packing shed, to domestic garden.

Given that the change of use included an area of a redundant glasshouse and packing shed, Policy OC7 (Redundant Glasshouse Sites Outside of the Centres) required that the glasshouse and packing shed be removed from the site in order to achieve the aims and objectives of the spatial strategy of the Island Development Plan.

The agent has submitted revised plans, omitting the redundant glasshouse and packing shed from the proposed development. As indicated on the block plan, the total area of the proposed garden area equates to approximately 800sqm.

Consequently, a change of use is required for the grassed area of land only. Policy OC7 is no longer relevant to the assessment of this application as the existing glasshouse and packing shed are not included as part of the development.

**Relevant History:**

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|---|---|---|
| PAPP/1997/4681 | Install a swimming pool | Granted |
| PAPP/1997/0865 | Extend domestic curtilage (option 1). | Granted |

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**Existing Use(s):**

"Briarwood" (dwelling-house) – Residential
Land to the east of "Briarwood" – Agricultural

**Assessment:** *(Tick as appropriate)*

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|---|---|---|---|
| no representation | ✓ | visual amenity acceptable | ✓ |
| accords with policy | ✓ | no material neighbour impact | ✓ |
| within curtilage | ✓ | traffic not affected | ✓ |
| design acceptable | ✓ | | |

**Policies considered most relevant:**

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|---|---|
| OC5(B) | Agriculture Outside of the Centres – outside the Agriculture Priority Areas |
| GP1 | Landscape Character and Open Land |
| GP15 | Creation and Extension of Curtilage |

**Conclusion/Brief comment:**

Policy OC5 (B) (Agriculture Outside of the Centres – outside the Agriculture Priority Areas) states that *"*Proposals for development which would result in the loss of an existing farmstead, agricultural buildings or land will be supported where the proposed new use accords with the other relevant policies of the Island Development Plan". Policies GP15 (Creation and Extension of Curtilage) and GP1 (Landscape Character and Open Land) are most relevant in assessing this application and are set out below.

Policy GP15 relates to Creation and Extension of Curtilage. Taking each criterion of Policy GP15 in turn:

*A proposal to create or extend curtilage will be supported where:*
*a. it would not have an unacceptable detrimental impact on the landscape character;*

The proposed extension of domestic garden is located to the rear of the dwelling and is not highly visible in public views. This is due to the separation distance between the proposed garden and the public highway (Les Croutes) to the north of the site, together with the mature landscaping sited along the north boundary of the proposed garden.

Careful consideration has also been given to works permitted under Class 1 of the Land Planning and Development (Exemptions) Ordinance (2007), in particular, development including a garage or outbuilding in the proposed curtilage extension. However, given that the majority of the proposed garden would be sited more than

30m from the dwelling house, such proposal would require planning permission in its own right and would be assessed on its own merits.

Erecting a garage or outbuilding within the proposed garden extension that is sited within 30m of the dwelling, would not raise significant concerns due to the distance to public vantage points and mature landscaping which lines the north boundary of the proposed garden. Consequently, it would be unnecessary and unreasonable in this circumstance to remove the exemption rights afforded to the householder. The proposal would satisfy the provisions of Policy GP15 a).

b. *it would not have an unacceptable impact on the biodiversity interest of an Area of Biodiversity Importance or, where negative impacts are unavoidable, they can be acceptably mitigated in accordance with a scheme to be agreed with the Authority;*

The application site is not located in an Area of Biodiversity Importance therefore it is concluded b) of Policy GP15 is not relevant in this case.

*c. it is demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts;*

The application site is not located in an Agriculture Priority Area therefore it is concluded c) of Policy GP15 is not relevant in this case.

*d. it is demonstrated that it would not involve an unacceptable loss of established boundary features that contribute positively to the character of an area, unless the new or replacement boundary treatment makes an equal or enhanced positive contribution to the character of the area.*

Based on the information submitted, no changes to the existing boundary treatments are proposed.

Any future development within this area that could remove or alter existing boundary treatments or landscaping is likely to require planning permission and would need to be assessed on its own merits as part of the application submitted.

Consequently, Policy GP15 d) of the Plan has been satisfied in this case.

*e. it would not adversely affect the reasonable amenities of neighbouring residents.*

The proposal is not considered to adversely affect the amenities of neighbouring residents. Any future development within this area would be assessed on its own merits including the impacts on neighbouring residents. It is concluded the aims of Policy GP15 e) have been satisfied in this case.

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Policy GP1 relates to the Landscape Character and Open Land. Policy GP1 states that: "proposals will not be supported if they would result in the unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of an area.

Development will be supported where it:
a. respects the relevant landscape character type within which it is set; and,
b. does not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area concerned; and,
c. takes advantage, where practicable, of opportunities to improve visual and physical access to open and undeveloped land; and,
d. accords with all other relevant policies of the Island Development Plan".

The impact on the landscape character and open land has been carefully considered under the provisions contained within Policy GP15. In summary, the change of use would respect the landscape character and openness of the land. It would not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area.

Consequently, the proposal is considered to have a neutral effect on the landscape character and open land and accords with all other relevant policies of IDP. The development is compliant with Policy GP1.

Due to the type of application, it is not considered necessary for the agent to demonstrate that the proposal has been designed to take into account the criteria of Policy GP9 (Sustainable Development).

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.

On this basis, the application is compliant with the relevant Island Development Plan policies, it is therefore recommended that planning permission be granted, subject to conditions.

**Recommendation:**
Grant with Conditions ☑

**Date:** 13/11/19

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