

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 (100sqm), install swimming pool and hard standing (Protected Building).

LOCATION: La Cache, Rue De La Cache, St. Pierre Du Bois.

APPLICANT: Mr & Mrs D Jeffery

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: 20/10/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services - 6158/A/1a

Application Ref: FULL/2021/1393

Property Ref: F004760000

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 19/10/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is brought to the issue of avoidable light pollution and its effects on the natural environment and associated wildlife. The existing landscape is not currently subject to extensive artificial lighting and it is therefore requested that external lighting be avoided or kept to a minimum wherever possible.

Please be aware of the Supplementary Planning Guidance note: Strategy for Nature, 2020 which can be found at www.gov.gg/planningpolicy. In line with this guidance, The Development & Planning Authority would encourage you to consider enhancing the biodiversity of the application site, for instance through the planting of trees, introduction of animal habitats etc. You are advised to contact La Société Guernesiaise for further information on the most appropriate method to maximise biodiversity of the land the subject of this application. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

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/2021/1393
Property Ref: F004760000
Valid date: 02/09/2021
Location: La Cache Rue De La Cache St. Pierre Du Bois Guernsey
GY7 9HQ
Proposal: Change of use of agricultural land to domestic garden (100sqm),
install swimming pool and hard standing (Protected Building).
Applicant: Mr & Mrs D Jeffery

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.

INFORMATIVES

Your attention is brought to the issue of avoidable light pollution and its effects on the natural environment and associated wildlife. The existing landscape is not currently subject to extensive artificial lighting and it is therefore requested that external lighting be avoided or kept to a minimum wherever possible.

Please be aware of the Supplementary Planning Guidance note: Strategy for Nature, 2020 which can be found at www.gov.gg/planningpolicy. In line with this guidance, The Development & Planning Authority would encourage you to consider enhancing the biodiversity of the application site, for instance through the planting of trees, introduction of animal habitats etc. You are advised to contact La Société Guernesiaise for further information on the most appropriate method to maximise biodiversity of the land the subject of this application. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

OFFICER'S REPORT

Site Description:

The property known as 'La Cache' is a circa. 1500 granite two and a half storey traditional dwelling, which has been extended and altered over time. It sits in the middle of the site facing south. The vehicular access comes from the west where Rue de la Cache runs along the boundary, to the north is an open field, to the east Rue de L'Ardaine runs along the boundary at a higher level and to the south is a residential property with open fields beyond. The property is located Outside of the Centres, but is within the Agriculture Priority Area as defined in the Island Development Plan. The property is a Protected Building.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Agricultural use class 28: agriculture
Residential use class 1: dwelling house.

Brief Description of Development:

This application is for a change of use of agricultural land to domestic garden (100sqm), install a swimming pool and some hard standing around the pool.

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

OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas

GP1: Landscape Character and Open Land

GP5: Protected Buildings

GP13: Householder Development

GP15: Creation and Extension of Curtilage

Representations:

There has been one letter of representation and the issues are:

“The proposal may be contrary to policy GP15:

Where it might have an unacceptable detrimental impact on the landscape character and

It might 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 in accordance with Policy GP3.

Exacerbating this is the sites location in a rural parish.

It is believed that the granting of the proposal is not a reasonable expectation, and might be counter to 19.16.7:

The Strategic Land Use Plan notes the requirement to protect open and agricultural land from development in order to ensure the open character of these areas is maintained and to ensure the agricultural industry has an adequate amount of land to operate successfully. Therefore, in these instances there will be a balance to be struck between ensuring the reasonable protection of open land and the requirements of the agricultural industry and the reasonable expectations of landowners to add new or additional land to the curtilage around a building.”

Consultations:

None

Summary of Issues:

- Impact of the change of use on the landscape character and appearance of the area.
- Loss of agricultural land in Agriculture Priority Area.

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 proposal to change the use of the land to a domestic use falls to be considered principally under Policies OC5(A), GP15 and GP1 of the Island Development Plan.

Policy OC5(A) states that “Proposals for development which is not related to a farmstead or existing agricultural holding will be supported provided that they accord with all the relevant policies of the Island Development Plan.”

It is not considered that the change of use of this small area of land will not have any impacts on the special interest of the protected building or on its setting. Therefore, the proposals are considered to comply with GP5.

Policy GP15 makes provision for the extension and creation of curtilages to serve both domestic and non-domestic buildings, subject to compliance with a number of criteria which are addressed in turn below:

a. it would not have an unacceptable detrimental impact on the landscape character

Paragraph 19.16.3 of Policy GP15 refers to the intentions of the Strategic Land Use Plan, where it is considered that whilst the domestication of the landscape generally runs counter to the desire to preserve the local character of our landscapes, “minor shifts in the management style of small parcels of land not forming part of larger areas of open land and not visually prominent will not fundamentally alter the character of the Island”.

Paragraph 19.16.7 acknowledges that “competition for land can occur when a residential use adjoins an open area of land and the householder would like to incorporate some of that open land within the domestic curtilage of the residential property” and that “in these instances there will be a balance to be struck between ensuring the reasonable protection of open land and the requirements of the agricultural industry and the reasonable expectations of landowners to add new or additional land to the curtilage around a building. An assessment of proposals will take into account the impact on the wider areas of open landscape and Agriculture Priority Areas”.

Paragraph 19.16.8 states that “the character and openness of the landscape can be affected by the introduction or intensification of ancillary fixtures and features, such as car parking, bin storage areas or boundary treatments. It can also change as a result of physical change to landscape features, such as hedges or earth banks. Care should be taken to ensure that proposals to create or extend a curtilage do not result in the removal or introduction of features that would detract from the character or distinctiveness of an area”.

With regards to the impact on the landscape character and openness of the area, Policy GP1 also requires consideration as to whether the proposal would result in the unnecessary loss of open and undeveloped land, which would have an unacceptable impact on the open landscape character of the area; whether the proposal respects the landscape character type within which it is set; and whether the proposal would result in the unacceptable loss of distinctive features that contribute to the wider landscape character and local distinctiveness of the area.

Paragraph 19.2.12 of Policy GP1 sets out that “care will be taken to ensure that development does not result in the unnecessary loss of open space or erosion of the character of the particular landscape of the locality concerned”. It goes on to state that “the value of the landscape and open and undeveloped land will be required to be assessed in a wider context rather than in terms of the impact development might have on an individual site. Development that affects landscape character or distinctive natural or built features will be considered in the wider context of the landscape value of a particular locality. In assessing development proposals, the Authority will balance the character of the locality concerned with the aspirations for development as set out above”.

With regards to the loss of distinctive features that contribute to the wider landscape character and the local distinctiveness of the area, paragraph 19.2.5 sets out that “an important contribution to the landscape character of an area is made by the particular features within them. Such distinctive features include boundary treatments, historic field patterns, trees and natural landscaping and are important elements in defining an area’s local distinctness.”

In this case, the land subject of this application is located within the Upland Escarpment landscape as identified in Annex V of the Island Development Plan (IDP) and the area is most akin to the Inland Scarp subzone. Annex V sets out that the Inland Scarp has been affected by development. The landform is less evident than on the West Coast, but the Scarp still reads as a strong landscape feature standing up against the horizon. Though there is little actual woodland, the combined effect of garden and hedgerow trees creates an impression of woodland from a distance. As the Scarp is sheltered from the sea and trees tend to occur in gardens, the tree species are more varied than on the West Coast Scarp.

The site has a tiered topography, from the west boundary the land slopes up to the east, and the dwelling is built using the slope. The land to the east of the dwelling is tiered, with the first flat tier just behind the barn opposite the dwelling, about 1.2m above, the next tier is another 1m -2m higher and it runs along parallel with the road to the east. At present the two tiers are not part of the domestic curtilage. The applicants are not wishing to change the whole of the agricultural land to domestic garden, but only the small flat section of grassland behind the barn adjacent to the house, an area of 100sqm.

The location of the land subject of this application cannot easily be seen from public vantage points, for the reasons set out in the previous paragraph. Therefore, given the private nature of the location of the site, it is not considered to be part of an open landscape and therefore the proposed change of use would not have an unacceptable detrimental impact on the landscape character of the area and is considered to comply with GP15(a) and GP1. As the land would form part of the curtilage to a protected building, and would benefit from very limited Exemption rights, it is not necessary to remove such rights in this instance.

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 in accordance with Policy GP3: Areas of Biodiversity Importance;

The application site is not located within or adjacent to an Area of Biodiversity Importance, it is therefore concluded that part (b) of Policy GP15 is not relevant in this case.

This application was submitted before the need to provide additional information covering the enhancement of biodiversity on the site as set out in the Strategy for Nature, 2020. An informative will be added to the approval to encourage the applicant to consider biodiversity.

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 Island Development Plan recognises that agriculture plays a relatively small part in Guernsey's economy but is valuable for its land management function protecting and enhancing the countryside and providing visual access to open space.

The Strategic Land Use Plan requires a balance to be made between the protection of land for agriculture for the industry's current and future needs and recognising the role it plays in countryside management with ensuring land is available to meet other legitimate development requirements. The Island Development Plan has therefore identified large areas of contiguous agricultural land, and other areas well related to established agricultural operations, which represent Guernsey's most valuable agricultural land. These have been identified as Agriculture Priority Areas.

Whilst the policy approach is to generally support development for agricultural purposes in the Agriculture Priority Areas, these areas have been broadly drawn and include areas of land and sites which are not currently used for agricultural purposes and could not be expected to contribute positively to commercial agriculture in the future. The Agriculture Priority Areas are not intended to safeguard the land for agricultural use if it is not appropriate or is not required for that use or where the inclusion of an area of land into a larger land parcel for agricultural purposes would

have a negative environmental impact. The Island Development Plan policies therefore allow for other forms of development within the identified Agriculture Priority Areas provided that they accord with all the other relevant policies of the Island Development Plan.

In order to protect Guernsey's best agricultural land, where appropriate, proposals for development which would result in the loss of an existing farmstead or agricultural holding in the Agriculture Priority Areas will only be supported where it is demonstrated that the farmstead, building or land is no longer required for agricultural purposes and any proposed new use accords with the other relevant policies of the Island Development Plan.

In this case, the small piece of land which is subject of this application is flat, but the tiered and land-locked nature of the land means that it is unable to positively contribute to any future commercial agricultural use because of its inaccessibility. Therefore, the change of use of this piece of land from agricultural use to domestic curtilage is not thought to affect the APA as it is commercially unviable and so complies with GP15(c).

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; and,

No existing boundaries are proposed to be removed.

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

Given the location of the land in relation to neighbouring residential properties, the proposed change of use would not of itself have an adverse impact on or affect the amenities of neighbouring residents.

The swimming pool and associated hardstanding are considered to be acceptable in this location and would not have any detrimental impacts on the character of the surrounding area, nor would they impact on the special interest of the protected building.

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: 20/10/2021