

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 use as domestic garden (3,940 sq.m.) (retrospective).

LOCATION: Land to rear of St Amands, La Moye, Vale.

APPLICANT: Mr & Mrs A Camp

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: 01/12/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/08/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan and Block Layout Plan (date stamped received 26th August 2021).

Application Ref: FULL/2021/1787

Property Ref: C00221A000

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.

Expiry Date: This permission will cease to have effect on 30/11/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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.

For the avoidance of doubt, the Land Planning and Development (Exemptions) Ordinance, 2007 does not apply to the hereby approved detached area of garden, as the dwelling-house and the approved area of garden is separated by a private access road serving multiple properties.

For the avoidance of doubt, none of the existing structures erected on the hereby approved area of garden have been granted planning permission, and therefore remain as unauthorised development for the purposes of the Law.

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/2021/1787
Property Ref: C00221A000
Valid date: 26/08/2021
Location: Land to rear of St Amands La Moye Vale Guernsey GY3 5DR
Proposal: Change of use of agricultural land to use as domestic garden (3,940 sq.m.) (retrospective).

Applicant: Mr & Mrs A Camp

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.

INFORMATIVES

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.

For the avoidance of doubt, the Land Planning and Development (Exemptions) Ordinance, 2007 does not apply to the hereby approved detached area of garden, as the dwelling-house and the approved area of garden is separated by a private access road serving multiple properties.

For the avoidance of doubt, none of the existing structures erected on the hereby approved area of garden have been granted planning permission, and therefore remain as unauthorised development for the purposes of the Law.

OFFICER'S REPORT

Site Description:

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

The site comprises a semi-detached property fronting onto La Moye (Vale), and is served by an elongated garden to the rear. Beyond the recognised garden lies a large area of agricultural land to the rear (south). The agricultural land is accessed via a shared access track to the east of the application site. A right of way also exists to the north over the neighbours land, egressing onto Le Petit Axce.

The agricultural land is enclosed by established boundary treatments. Le Grande Pre Nature Reserve is located to the south of the agricultural land.

Relevant History:

None germane to this application.

Existing Use(s):

St Amands – residential.

Land to the rear (south) of St Amands - Agriculture.

Brief Description of Development:

Planning permission was originally sought to change the use of the agricultural land to a detached area of domestic garden. Although following a site visit it was apparent that the land is already being used as garden by virtue of domestic paraphernalia placed on the land. Several outbuildings including a polytunnel have also been erected on site without planning permission. Although due to the passage of time, Enforcement action cannot be taken against these structures and therefore remain unauthorised.

Consequently, the application seeks retrospective permission for a change of use of land. The applicant has paid an additional fee to reflect this.

The proposed area of domestic garden equates to approximately 3940m² as set out in the application form.

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

GP1 Landscape Character and Open Land

GP15 Creation and Extension of Curtilage

OC5(B) Agriculture Outside of the Centres – outside the Agriculture Priority Areas.

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Lack of detailing of the application.
- Potential flora and fauna on the site.
- The Strategy for Nature has not been considered.
- Ownership of land query.

Consultations:

None generated.

Summary of Issues:

Whether the change of use of agricultural land to domestic land would cause harm to the landscape character and openness of the area, the Area of Biodiversity Importance to the south, and the amenities of neighbouring residents.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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 GP1 and GP15 are considered below.

The area of agricultural land in question is large and does contribute to a wider area of open land to the south from a spatial analysis perspective, although given that the site is bounded by mature landscaping views into the site are not possible.

Consequently, due to the fact that the site is not prominent in wide-ranging views, and includes well established boundaries, the site could not reasonably be considered to substantially contribute to a wider area of open land or landscape character for the purposes of Policy GP1 and GP15.

Given that the dwelling-house and the detached area of domestic garden is separated by a private access road serving multiple properties to the rear of La Moye Road, the proposed area of garden would not benefit from the exemption rights

permitted under Class 1 of the Land Planning and Development (Exemptions) Ordinance, 2007. An informative to this effect is attached to the decision.

The application site is not located within an Area of Biodiversity Importance or within an Agriculture Priority Area (APA) as defined in the Island Development Plan. However, the site is adjacent to an Area of Biodiversity Importance, and consideration has therefore been given to whether the land could contribute positively to the biodiversity importance of Le Grande Pre Nature Reserve to the south. Whilst it is recognised that wildlife is likely to migrate between both land parcels given their close proximity, particularly birds, changing the use of the land from agriculture to domestic garden is unlikely to amount to a material change in how the Le Grande Pre Nature Reserve operates from a bio-diversity perspective. This is also evident in this case as the land has been used as garden for some time without any obvious harm to bio-diversity.

The application is not proposing to remove any established boundary treatments.

The development proposed would not cause undue harm to the amenities of neighbouring residents due to the relationship to neighbouring properties.

The impact on the landscape character and open land has been considered under the provisions contained within Policy GP15. In summary, the change of use alone would not have a detrimental impact to the landscape character and open land, and the proposal 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. The development is compliant with Policy GP1.

The letter of representation received has been taken into account in the determination of this application. It is noted that given that the application was received prior to September 2021, there is no requirement to submit a biodiversity enhancement scheme as part of this application.

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.

Date: 25/11/20

