

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, sheds and summerhouse, install swim spa and external steps and regrade land (revised).

LOCATION: Pleinmont House, Rue Des Valniquets, Torteval.

APPLICANT: Mr & Mrs S Hilley

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: 24/06/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Torode Architecture: 6202-04B, 05D, 06D, 07B & 09A.

Application Ref: FULL/2021/1875

Property Ref: G004710000

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.

4. Prior to the erection of the summerhouse, details of the screen hedging to be planted to the south of the approved summerhouse, including species, sizes at the time of planting, numbers and densities of plants, shall be submitted to and agreed in writing by the Authority (see notes below).

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 4, in the first planting season following the first use of the summerhouse or completion of the summerhouse whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the approved landscape scheme is implemented to help assimilate the development into its surroundings in the interests of visual amenity and the landscape character of the area.

6. For the avoidance of doubt, no permission is conferred for the drainage layout on drawing 6202-05D. The drainage and cesspit shall be completed in accordance with drawing 6202-06D.

Reason - To limit the impact on the potential agricultural use of the agricultural land.

Expiry Date: This permission will cease to have effect on 23/06/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With regard to condition 4, the planting is situated on undeveloped/agricultural land and to preserve the rural landscape character of the area, the additional planting should consist of a native mixed hedge including species such as Blackthorn (*Prunus spinosa*), Elder (*Sambucus nigra*), Gorse, Hawthorn (*Crataegus monogyna*) and Holly.

For the avoidance of doubt, this decision permits the proposed sheds, summerhouse, gym, recreation room and hobby studio to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

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/2021/1875
Property Ref: G004710000
Valid date: 22/09/2021
Location: Pleinmont House Rue Des Valniquets Torteval Guernsey GY8 0PX
Proposal: Erect outbuilding, sheds and summerhouse, install swim spa and external steps and regrade land (revised).
Applicant: Mr & Mrs S Hilley

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.

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writing by the Authority (see notes below).

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 4, in the first planting season following the first use of the summerhouse or completion of the summerhouse whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the approved landscape scheme is implemented to help assimilate the development into its surroundings in the interests of visual amenity and the landscape character of the area.

6. For the avoidance of doubt, no permission is conferred for the drainage layout on drawing 6202-05D. The drainage and cesspit shall be completed in accordance with drawing 6202-06D.

Reason - To limit the impact on the potential agricultural use of the agricultural land.

INFORMATIVES

With regard to condition 4, the planting is situated on undeveloped/agricultural land and to preserve the rural landscape character of the area, the additional planting should consist of a native mixed hedge including species such as Blackthorn (*Prunus spinosa*), Elder (*Sambucus nigra*), Gorse, Hawthorn (*Crataegus monogyna*) and Holly.

For the avoidance of doubt, this decision permits the proposed sheds, summerhouse, gym, recreation room and hobby studio to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

OFFICER'S REPORT

Site Description:

The application site consists of a double pile granite farmhouse and detached barn arranged in an L-shape in the north-west corner of the site with associated domestic land and outbuildings. The remainder of the site, measuring approximately 3,295sqm is recognised as agricultural land. The site is situated Outside of the Centres and within an Agriculture Priority Area. The whole of the cobbled gutter on the eastern side of La Rue des Valniquets is a protected monument.

Relevant History:

28/04/2022 – FULL/2021/2307 – Permission granted to replace roof and install roof lights, alterations to fenestration and erect wall to create oil tank/bin store enclosure to west elevation and create additional accommodation to existing dower unit.

04/02/2016 – FULL/2015/3029 – Permission granted to erect an orangery to rear (east) and erect a store.

10/04/2013 – FULL/2013/0060 – Permission granted to demolish lobby and erect new sunroom and raised terrace (rear east elevation), install swimming pool, convert existing hayloft to habitable accommodation and alter dwelling. Lay paving, refurbish garage and erect lean-to timber clad store.

Existing Use(s):

Residential use class 1: dwelling house
Agricultural use class 28

Brief Description of Development:

Planning permission is requested to erect a lean-to outbuilding, erect sheds and summerhouse, install swim spa and erect external steps and regrade land.

During the course of consideration the application was deferred due to concerns about the original proposal to change the use of an area of agricultural land measuring approximately 3,295sqm to domestic garden and to erect a shed in the south-east corner of the site. Revised plans have subsequently omitted these aspects from the application. In addition, alterations to the bin store enclosure along the west boundary have subsequently been approved under a separate application and these alterations have also been omitted from this application.

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

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

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP13: Householder Development

Policy GP15: Creation and Extension of Curtilage

Representations:

Two letters of objections were received in response to the original application, main points as follows:

- It is not a reasonable expectation that such a large area of agricultural land be converted to domestic curtilage.
- Losing such a large area of land would be contrary to the requirements to protect open land and agricultural land from development.
- The proposal should be subject to a planning covenant with the aim of safeguarding wildlife and biodiversity as per the Strategy for Nature (Guernsey) and one of the primary objectives of the SLUP.
- The proposal would be contrary to parts (a) and (b) of GP15. This would be exacerbated by the site's location in a rural parish at a scenic location
- A similar proposal was approved (FULL/2015/3029) without the change of use of agricultural land but has not been completed.
- Some development has occurred in the field including a newish garage and multiple cars parked and a large trampoline erected.

No additional comments were received in response to the revised application.

Consultations:

None

Summary of Issues:

The main issue in deciding this application is the design and impact of the development on the landscape character and openness of the area.

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).**

Following the submission of revised plans, the originally proposed change of use of a section of agricultural land to domestic land has been omitted from the application and the proposed works are confined to the existing recognised domestic curtilage.

The gym/recreation room/hobby studio would be visible from the public highway to the south and south-east and from these viewpoints it does not appear obviously related to the existing dwelling which is situated at a lower level and is screened by a high granite wall which previously formed part of a lean-to vine house. However, the proposed gym/recreation room/hobby studio would not project above the existing granite wall and its lean-to design and use of timber cladding and a natural slate roof would be sympathetic to the rural character of the area and it would have no significant adverse effects on the openness and landscape character of the area.

The summerhouse to the west boundary would be situated towards the top of a roadside bank and adjacent to an area of well-established planting along the west boundary. The summer house would be visible from the public highway to the south-east and from this viewpoint it does not appear obviously related to the existing dwelling which is situated at a lower level. However, by virtue of its modest size and height, its siting adjacent to well-established planting along the west boundary and the proposed additional planting to the south of the summerhouse, the summerhouse is unlikely to have a significant adverse effect on the openness and landscape character of the area. The proposed additional planting is situated on undeveloped/agricultural land and to preserve the rural landscape character of the area, the additional planting should consist of a native mixed hedge including species such as Blackthorn (*Prunus spinosa*), Elder (*Sambucus nigra*), Gorse, Hawthorn (*Crataegus monogyna*) and Holly. This can be dealt with by condition.

The proposed swim spa, steps, sheds and associated alterations to the garden level are situated within an enclosed terraced area elevated above the dwelling but are well-related to the existing dwelling and are not overly prominent in public views.

Overall the proposal achieves a good standard of design and would have no significant adverse effects on the openness and landscape character of the area, in accordance with Policies GP1, GP8 and GP13.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

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.

It is recommended that the application is approved.

Date: 24/06/2022

