

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 (1,232 sq.m.) (retrospective).

LOCATION: The Daffodils, Route Du Camp Du Roi, Les Capelles, St. Sampson.

APPLICANT: Mr & Mrs J H Radford

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: 15/12/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/09/2021 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 30th September 2021).

Application Ref: FULL/2021/1905

Property Ref: B01450A000+B014500000

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.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no caravans (including a motorhome), walls or fences otherwise exempt within Class 1 of the Land Planning and Development (Exemptions) Ordinance, 2007, shall be erected or constructed within the approved garden extension to which this permission relates.

Reason - The carrying out of development of this type may cause harm to the landscape character and openness of the area.

Expiry Date: This permission will cease to have effect on 14/12/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the shed erect on the hereby approved area of garden has not been granted planning permission and does not appear to comply with the criteria of a 'shed' under the Land Planning and Development (Exemptions) Ordinance, 2007 , and therefore remain as unauthorised development for the purposes of the Law.

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 Guernesiale 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/2021/1905
Property Ref: B01450A000+B014500000
Valid date: 30/09/2021
Location: The Daffodils Route Du Camp Du Roi Les Capelles Les Capelles
St. Sampson Guernsey GY2 4GN
Proposal: Change of use of agricultural land to domestic garden (1,232
sq.m.) (retrospective).

Applicant: Mr & Mrs J H Radford

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. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no caravans (including a motorhome), walls or fences otherwise exempt within Class 1 of the Land Planning and Development (Exemptions) Ordinance, 2007, shall be erected or constructed within the approved garden extension to which this permission relates.

Reason - The carrying out of development of this type may cause harm to the landscape character and openness of the area.

INFORMATIVES

For the avoidance of doubt, the shed erect on the hereby approved area of garden has not been granted planning permission and does not appear to comply with the criteria of a 'shed' under the Land Planning and Development (Exemptions) Ordinance, 2007, and therefore remain as unauthorised development for the purposes of the Law.

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

Brief Description of the site:

The application site comprises a semi-detached property situated to the south of La Route Des Capelles. The surrounding area comprises a residential property to the east, with fields to the west of the house, and a redundant glasshouse site to the south. The site is situated Outside of the Centres as designated in the Island Development Plan.

Retrospective permission is sought to change the use of agricultural land immediately to the west of the property. Dense planting exists around the perimeter of the field, and is served by separate vehicular access to the north.

The total area equates to approximately 1,232m².

Relevant History:

None pertinent to the application.

Existing Use(s):

Agricultural field.

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

☒
☒
☒
☒

visual amenity acceptable
no material neighbour impact
traffic not affected

☒
☒
☒

Policies considered most relevant:

GP1 Landscape Character and Open Land
GP5 Protected Buildings
GP15 Creation and Extension of Curtilage
OC5(B) Agriculture Outside of the Centres – outside the Agriculture Priority Areas.

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 GP1 and GP15 are considered below.

The proposed extension of domestic garden is located to the west of the dwelling. The site is highly prominent in the street scene, particularly along La Route Des Capelles and Route Du Camp Du Roi.

The change of use of agricultural land to domestic garden is however unlikely to have a significant detrimental effect on the landscape character or open land through the management of the land itself, together with the exiting boundary treatment. However, due to the prominence of the land in public views along La Route Des Capelles and Route Du Camp Du Roi, future development that could be carried out under the Land Planning and Development (Exemptions) Ordinance, 2007 within the proposed garden extension that would otherwise be exempt, could have a potential adverse effect on the landscape character and openness of the land, particularly if the boundary treatment were to be removed or die.

Given that the site already benefits from an existing garage/outbuilding, however named, any additional structure would automatically require planning permission.

A number of the exemptions, including those relating to the erection of a glasshouse or garden structure, are unlikely to cause undue harm and therefore it is not necessary to remove those exemptions in this case.

It is however considered reasonable and necessary in this instance to remove the exemption rights for erecting caravans, walls and fences, due to the potential adverse effect these structures could have on the landscape character and openness of the land.

It is also recommended that an informative be attached to the decision to notify the applicant that the shed erected on the agricultural land is unauthorised given that it is operational development, and that the floor area of the shed appears to be over the 6sqm threshold permitted under the exemptions ordinance. Consequently, the shed is likely to require planning permission should the applicant seek to regularise the structure.

The application site is not located within or adjacent to an Area of Biodiversity Importance or Agriculture Priority Area (APA) as defined in the Island Development Plan.

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.

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: 08/12/21

