

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 (1100 square metres).

LOCATION: Rocque A L'Or, Rue De La Rocque A L'Or, Torteval.

APPLICANT: Mr & Mrs C Garton

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: 28/10/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

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

Application Ref: FULL/2021/1908

Property Ref: G005310000

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 27/10/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed area of agricultural land to be used as domestic garden associated with the enjoyment of the dwelling house. Any use of the existing outbuildings, however named, in connection with a trade or business would require a separate grant of planning permission.

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the local Strategy for Nature and the need to comply with their provisions. The existing building may be used by bats or other wildlife for roosting and nesting. Measures may therefore need to be taken (including consideration of the timing of the works and provision to support wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. 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/2021/1908
Property Ref: G005310000
Valid date: 20/09/2021
Location: Rocque A L'Or Rue De La Rocque A L'Or Torteval Guernsey
GY8 0PY
Proposal: Change of use of agricultural land to domestic garden (1100 square metres).

Applicant: Mr & Mrs C Garton

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).

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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

For the avoidance of doubt, this decision permits the proposed area of agricultural land to be used as domestic garden associated with the enjoyment of the dwelling house. Any use of the existing outbuildings, however named, in connection with a trade or business would require a separate grant of planning permission.

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the local Strategy for Nature and the need to comply with their provisions. The existing building may be used by bats or other wildlife for roosting and nesting. Measures may therefore need to be taken (including consideration of the timing of the works and provision to support wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email societe@cwgsy.net

OFFICER'S REPORT

Site Description:

The application site comprises a traditional detached farmhouse, located to the north of the junction between, Rue De La Rocque, Route De Croler and Rue Des Valniquets.

The property is served by a gravelled driveway and an extended area of land that is relatively flat in relation to the surrounding topography.

Two detached outbuildings are also located within this gravelled area, cut into the granite hillside, evident by the sharp change in topography. The outbuildings together with the gravelled area (beyond the driveway), are sited on agricultural land.

The property was also recently served by a redundant glasshouse to the rear, although this structure has recently been cleared from the site.

To the west of the hard surfaced area lies a raised area of grassland which connects with the agricultural land to the north of the outbuildings. An established hedgebank borders the site with commercially active farmland to the west.

The rear of the property is visible along Rue De La Rocque, particularly in front of the access field gate.

The site is located within an Agriculture Priority Area and is Outside of the Centres as defined in the Island Development Plan.

Relevant History:

Informal pre-application advice regarding an extension of domestic curtilage has been sought on a number of occasions under references PREA/2020/0593 and PREA/2020/1704.

Existing Use(s):

Agricultural use class 28 – Fields, hard surfaced area and outbuildings.
Residential use class 1 – Dwelling-house

Brief Description of Development:

Planning permission is requested for a change of use of agricultural land to domestic land. The area of land includes the two large outbuildings and the gravel area of land together with the area served by the former glasshouse. The area of land in question measures approximately 1100sqm, as confirmed on the application form.

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 GP15: Creation and Extension of Curtilage

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:

- The application should be subject to a planning covenant aimed to safeguarding wildlife and bio-diversity.
- The application would be contrary to Policy GP15.

Consultations:

None.

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 use of the Agriculture Priority Area 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).**

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.

Due to the removal of the former glasshouse, the proposal to extend the domestic curtilage falls to be considered principally under Policies GP15 and GP1 of the Island Development Plan.

The site is located within an Agriculture Priority Area. The applicant's letters in support of the application sets out limitations with the use of the land for commercial agriculture against a number of considerations including, the size and condition of the land in question, relationship to former agricultural holdings, topography, and a (UK) example of cattle rotation by way of comparison, to name but a few.

Whilst some aspects of the justification submitted are limited and not supported by conclusive evidence to substantiate certain claims, including the example of cattle rotation, and has not expanded on other aspects such as drainage and access; it is considered that a sufficient level of demonstration has been provided. This conclusion has been reached when taking into the hard surfaced nature of the land parcel in question, its limited size and proximity to the dwelling, the likelihood of this particular area of land being able to make a reasonable contribution to the wider APA, its topography, together with the limited recognised area of domestic curtilage. Overall, it is considered reasonable that the land in question cannot reasonably positively contribute to the commercial agricultural use of an Agricultural Priority Area for the purposes of criterion c of Policy GP15.

Allowing the change of use of land to domestic garden in this particular instance is not considered to undermine the wider spatial pattern of development, landscape character, or open land that would be contrary to Policy OC5(A), GP1 and GP15. For the avoidance of doubt, the raised area of grassland to the west and north of the existing outbuildings would remain as agricultural land as part of this application.

No changes to the existing boundaries are proposed and the proposed use of the land for domestic purposes would have no significant adverse effects on neighbouring residents (Policy GP15, criterion d and e).

The application is not located within an Area of Biodiversity Importance (Policy GP15, criterion b).

Due to the limited visibility of the site along Rue De La Rocque and in wider views, it is not considered reasonable and necessary to omit the exemption rights afforded to the homeowner given that the character of the land in question is quite distinct from the surrounding agricultural land by virtue of its topography and appearance, and any exempt structures would be viewed primarily against the backdrop of the dwelling and the former agricultural buildings, thus having a limited impact.

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. In addition, 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.

In response to the representations received, the application was received prior to September 2021 and therefore there is no requirement to submit additional information to take into account bio-diversity net gains as set out in the Supplementary Planning Guidance – Strategy for Nature 2021. The application's compliance with Policy GP15 has been set out above.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted.

Date: 25/10/21

