

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 (3143sqm).

LOCATION: The Ark, Les Arguilliers Lane, Vale.

APPLICANT: Mr D Simon

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 15/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan (Date stamped received 15th September 2021).

Application Ref: FULL/2021/1911

Property Ref: C021620000

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).

Expiry Date: This permission will cease to have effect on 27/10/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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 Guernesaise 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/2021/1911
Property Ref: C021620000
Valid date: 15/09/2021
Location: The Ark Les Arguilliers Lane Vale Guernsey GY6 8ND
Proposal: Change of use of agricultural land to domestic garden (3143sqm).

Applicant: Mr D Simon

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).

INFORMATIVES

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 is located Outside of the Centres as defined in the Island Development Plan.

The agricultural field in question is located to the rear (north) of the dwelling-house known as 'The Ark'. The field is bounded by The Ark to the south, a neighbouring property and field to the west, and agricultural fields to the north and east. A mix of trees and hedges make up the boundaries of the site.

Relevant History:

None pertinent to this application.

Existing Use(s):

Residential – dwelling house
Agricultural land – field to the rear of the dwelling.

Brief Description of Development:

Planning permission was originally sought to change the use of agricultural land to domestic garden. The total area of the proposed garden area is approx. 3143 square metres.

The application was deferred as it was noted as part of a recent site visit that domestic paraphernalia was visible on the proposed area of garden, prior to any consent being granted. The applicant has since removed all domestic paraphernalia from the agricultural land to avoid applying for retrospective permission.

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

OC5(B): Agriculture Outside of the Centres – Outside of the Agriculture Priority Areas
GP1: Landscape Character and Open Land
GP15: Creation and Extension of Curtilage

Representations:

The Authority has received two letters of representation from two parties objecting to the proposal. Grounds for objection principally relate to the following issues:-

- The loss of open land would be contrary to Policy GP15.
- The application has not included any provision for the Strategy for Nature or the Net Gain Principal.

Consultations:

None generated

Summary of Issues:

Whether the loss of agricultural land and change of use to domestic garden is acceptable.

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.

The proposed extension of domestic garden is located to the north of the dwelling and is not prominently located in the street scene from Les Arguilliers Lane or Rue Des Marais to the north.

The change of use of agricultural land to domestic garden is not considered to have an adverse impact on landscape character or open land, as the field is currently well secluded in public view. It is therefore not reasonable or necessary in this instance to remove in part some exemption rights permitted under Class 1 of the Land Planning and Development (Exemptions) Ordinance, 2007 to manage future development.

The application site is not located within an Area of Biodiversity Importance or within, or adjacent to an 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 to the west, especially as the field is currently used as domestic garden by virtue of paraphernalia on the land.

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. All other matters outlined in the letters of representation have been noted and where appropriated, have been discussed above.

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: 27/10/21

