

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 (516sqm).

LOCATION: Lowlands, Les Dunes, Castel.

APPLICANT: Mr & Mrs M & J Domaille

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: 12/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/08/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan (date stamped 01/11/21).

Application Ref: FULL/2021/1945

Property Ref: D006080000

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 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 11/11/2024 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.

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/2021/1945
Property Ref: D006080000
Valid date: 24/08/2021
Location: Lowlands Les Dunes Castel Guernsey GY5 7LQ
Proposal: Change of use of agricultural land to domestic garden (516sqm).

Applicant: Mr & Mrs M & J Domaille

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 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.

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.

OFFICER'S REPORT

Site Description:

The application site, comprises a detached dwelling to the front (north) of the site, with an agricultural field to the rear, which dog-legs to the west.

The field in question is bounded by residential development to the north, and planning permission was granted in 2019 for a change of use of agricultural land to domestic garden to the south of the field in question (see relevant history).

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

Relevant History:

FULL/2019/0280 D006100000 Camarest	Change of use of agricultural land to domestic garden (retrospective).	Granted
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Existing Use(s):

Residential – dwelling-house

Agricultural – field to the south of the dwelling.

Brief Description of Development:

Planning permission is sought to change the use of agricultural land to domestic garden to the rear of the property.

The application was deferred as it was observed during a site visit that the applicant is currently using the land as a domestic garden, without approval, by virtue of the siting of domestic paraphernalia and structures.

Consequently, the application is for a retrospective change of use from agricultural land to domestic garden.

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 3 letters of representation from three parties objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Loss of open land and might be contrary to the requirement to protect open land under IDP policies.
- The application was received prior to September 2021 therefore will not be subject to a planning covenant aimed to safeguarding wildlife and bio-diversity, although such considerations should be taken into account for applications received prior to this date.
- The application site may have botanical interest and doesn't state what the land is currently used for.
- It is recommended that the Planning Service carries out an independent assessment in order to consider whether the proposal would lead to ecological net gains (SPG).
- It is also recommended that suitable planning conditions be applied to prevent development on the land in the long term.

Consultations:

None.

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.

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 south of the dwelling and is not highly visible in public vantage points along Vazon Road, although it is acknowledged that distance glimpsed views of this row of properties is visible along Rue Du Marais to the south.

The change of use of agricultural land to domestic garden is not considered to have a significant detrimental effect on the landscape character or open land through the management of the land itself, and especially taking into account the larger area of land that has been approved as garden to the south of the application site (FULL/2019/0280) and therefore it would not be reasonable to come to a different decision under the relevant policies given that the land is surrounded by garden to the south and residential properties to the north.

In addition, 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.

Despite the relatively 'open' relationship between the application site and the neighbour's land to the east, due to the last remaining remnants of a picket fence on site, the proposal would not have a significant detrimental effect on the amenities of neighbouring residents.

Due to the relationship to surrounding properties, it is not considered necessary to remove exemption rights given that the property currently benefits from an outbuilding and a glasshouse any further outbuildings/glasshouses would require planning permission. In addition, much of the land is more than 30m from the dwelling which means exemption rights would not apply.

The erection of fences and/or walls, in this particular case, is unlikely to result in unacceptable harm to the character and appearance of the locality or the amenities of residential neighbours especially as fencing already exists along the south and west boundaries and the site backs onto neighbouring domestic land to the east.

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: 12/11/21

