

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 (1146sqm).

LOCATION: Moya Et Manzi & Sandre Vinery, Calais Road, St. Martin.

APPLICANT: Mr A Hamon

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: 11/01/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 6605-02/B1B.

Application Ref: FULL/2021/1948

Property Ref: J017170000 + J01718C000

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. Prior to the first use of the land the subject of this application as domestic garden, the existing glasshouse as shown on drawing no. 6605-2 B1 A, and any foundations, pipework, or other associated fabric or materials, shall be demolished in their entirety and all resultant demolition material removed from the site.

Reason - To ensure clearance of all horticultural structures and remnants and improve the landscape character and quality of the land.

Expiry Date: This permission will cease to have effect on 10/01/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the applicant is advised that the change of use from agricultural land to domestic garden hereby permitted includes all of the land outlined in red on the approved drawing no. 6605-02 B1 B.

If, during the demolition of the glasshouse, contamination not previously identified is found to be present at the site then no further development should be carried out and the applicant should contact the Office for Environmental Health and Pollution Regulation to establish what remediation works may be required.

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/2021/1948
Property Ref: J017170000 + J01718C000
Valid date: 24/09/2021
Location: Moya Et Manzi & Sandre Vinery Calais Road St. Martin
Guernsey GY4 6AP
Proposal: Change of use of agricultural land to domestic garden
(1146sqm).
Applicant: Mr A Hamon

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. Prior to the first use of the land the subject of this application as domestic garden, the existing glasshouse as shown on drawing no. 6605-2 B1 A, and any foundations, pipework, or other associated fabric or materials, shall be demolished in their entirety and all resultant demolition material removed from the site.

Reason - To ensure clearance of all horticultural structures and remnants and improve the landscape character and quality of the land.

INFORMATIVES

For the avoidance of doubt, the applicant is advised that the change of use from agricultural land to domestic garden hereby permitted includes all of the land outlined in red on the approved drawing no. 6605-02 B1 B.

If, during the demolition of the glasshouse, contamination not previously identified is found to be present at the site then no further development should be carried out and the applicant should contact the Office for Environmental Health and Pollution Regulation to establish what remediation works may be required.

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 site comprises a detached dwelling-house located to the west of Calais Lane, with agricultural land, including a substantial glasshouse to the rear (south-west), separated by a mature hedge.

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

Permission is sought to clear glasshouses and change the use of agricultural land to domestic the south-west in connection with the applicant's dwelling. As part of the application, the agent has confirmed that the existing glasshouse has not been in commercial horticultural use for over 20 years, and is currently being used for hobby farming. It is also noted that it is unviable to replace the glasshouse and therefore a change of use is required to use the land as garden.

The application was deferred to include the landscaping buffer area to the south of the existing glasshouse. Given the inconsequential effect on the proposed development and the potential effect on neighbours, together with the fact that no representation has been received, the application was not re-advertised. In addition, the applicant could set aside this area as a landscaping buffer regardless of whether it is recognised as agricultural land or domestic curtilage, hence its inclusion to the proposed scheme.

Relevant History:

None germane to this application.

Existing Use(s):

Residential Use Class 1
Agricultural Use Class 28

Assessment: *(Tick as appropriate)*

no representation	☐	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☐	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas
Policy OC7: Redundant Glasshouse Sites
Policy GP1: Landscape Character and Open Land
Policy GP15: Creation and Extension of Curtilage

Comments:La Societe Guernesiaise:

"In respect of this application, we would highlight that clearance of the vinery site might enhance local biodiversity but this would ultimately depend on how the site is landscaped and managed in the long term. These details as now required by the Planning Service are not included in the application.

If advice on suitable landscaping to support biodiversity is required, it is recommended that La Société Guernesiaise be contacted on 07781 166924 or email societe@cwgsy.net".

Office of Environmental Health and Pollution Regulation:

*"I would recommend the following informative is added to the consent:
If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to Planning Services a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Department for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report".*

Conclusion/Brief comment:

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 proposal to extend the domestic curtilage falls to be considered principally under Policies OC5(B), GP15 and GP1 of the Island Development Plan and, as the land formerly comprises a redundant glasshouse site and retains a substantial area of glass on site, Policy OC7.

Those policies support the principle of a change of use provided that a number of detailed policy criteria are met, and those criteria are addressed below.

Policy OC7 (Redundant Glasshouse Sites Outside of the Centres) allows for the change of use of redundant glasshouse land to be incorporated into the curtilage of a building. The preceding text of Policy OC7 notes that the cost of clearance of redundant glasshouse sites versus their value as agricultural land has proved a barrier to their removal and sites are, in many instances, left to deteriorate. As a result, the Island has a legacy of areas of redundant glasshouses in varying states of repair, although in this case the state of the glasshouse is in good condition.

The enhancement of the landscape is encouraged through the removal of redundant glass and proposals for change of use of redundant glasshouse sites to appropriate uses (including to domestic land) will include measures, where appropriate, for removal of redundant horticultural structures.

Each planning application is considered on its own individual merits. Having regard to Policies OC7 and GP15, it is reasonable in this instance to ensure that all ancillary horticultural structures and remnants including the redundant glasshouse, concrete footings and pipes are removed as part of the development to improve the landscape character and quality of the site. It is recommended that a condition to this effect is attached to the decision.

The site is not located within an Area of Biodiversity Importance or an Agriculture Priority Area. No changes to the existing boundaries are proposed apart from the removal of the hedge between the applicant's property (Moya Et Manzi) and the application site.

The proposed use of the land for domestic purposes would have no adverse effects on neighbouring residents following the removal of the glass.

The land is set away from the public highway (Calais Lane) and does not contribute to a wider area of open land given that it is bounded on all sides by residential properties. The proposed extension of the domestic use would not therefore have any adverse impact on landscape character or openness, and there is no

requirement to withhold exemption rights in this case especially as a proportion of the site would be over 30m from the dwelling-house.

The proposal would therefore comply with Policies OC7, OC5(B), GP1, and GP15.

In response to La Societe Guernesiaise's comments, the application was received prior to September 2021, therefore there is no requirement to request additional information in respect of the Strategy for Nature. Although it is recommended that an informative should be attached to the decision to inform the applicant of the Supplementary Planning Guidance note: Strategy for Nature, 2020 with regards to enhancing the biodiversity of the application site.

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: 06/01/22

