

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 (1,662sqm).

LOCATION: Les Corneilles, Ruelle De Fries, Castel.

APPLICANT: Mr & Mrs P Kasparis

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: 30/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room 304 B1.

Application Ref: FULL/2021/2029

Property Ref: D012940000

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.

4.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no outbuildings, sheds, 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.

5.The landscaping scheme shall be fully completed, in accordance with the details hereby submitted, in the first planting season following the implementation of the change of use of land from agriculture to domestic garden. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to accord with the Strategy for Nature supplementary planning guidance.

Expiry Date: This permission will cease to have effect on 29/11/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The existing vegetation may be used by nesting birds or other wildlife. You are therefore requested to undertake any clearance outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is

recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. 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/2021/2029
Property Ref: D012940000
Valid date: 30/09/2021
Location: Les Corneilles Ruelle De Fries Castel Guernsey GY5 7PP
Proposal: Change of use of agricultural land to domestic garden (1,662sqm).

Applicant: Mr & Mrs P Kasparis

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. 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.

4. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that

Ordinance), no outbuildings, sheds, 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.

5. The landscaping scheme shall be fully completed, in accordance with the details hereby submitted, in the first planting season following the implementation of the change of use of land from agriculture to domestic garden. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to accord with the Strategy for Nature supplementary planning guidance.

INFORMATIVES

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The existing vegetation may be used by nesting birds or other wildlife. You are therefore requested to undertake any clearance outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

OFFICER'S REPORT

Brief Description of the site:

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

The application site comprises an area of agricultural land to the south of the recognised domestic curtilage associated with the dwelling, known as Les Corneilles.

A low granite wall forms the roadside boundary along the south and west boundary of the site. The granite wall also demarcates between the recognised curtilage, and the area of agricultural land in question.

The land is predominately scrubland in nature and contains a number of mature trees and hedges.

As stated in the application form, the total area of the proposed garden area is circa 1,662 square metres.

Planning permission is sought to change the use of agricultural land to domestic garden 1,662 square metres.

The agent has included a biodiversity enhancement scheme in order to take into account the Strategy for Nature Supplementary Planning Guidance (SPG).

Relevant History:

None pertinent to this application.

Existing Use(s):

Agricultural land – land to the south of Les Corneilles.

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:

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

Strategy for Nature Supplementary Planning Guidance

Comments:

La Societe Guernesiaise

“In respect of this application, we note that the proposal is to clear the existing vegetation. This area was recorded as Continuous Bracken in 1999 and 2010, and

Dense Scrub in 2018. Dense Scrub is a habitat of moderate ecological value and supports some wildlife such as invertebrates, small mammals and nesting birds. Clearing the site to undertake native tree planting might enhance local biodiversity but this would depend on which species are planted and the extent of such planting. We would therefore request that further details be provided by the applicant. If advice on suitable trees is required, it is recommended that La Société Guernesiaise be contacted.

Regarding any site clearance, we would request that an informative note be added to the Information Sheet as follows -

'Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The existing vegetation may be used by nesting birds or other wildlife. You are therefore requested to undertake any clearance outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwqsy.net.

If this application is subsequently approved, we would request that suitable planning conditions be applied in order to prevent development of the land in the long term".

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 application is not located within an Agriculture Priority Area, Site of Special Significance or Area of Biodiversity Importance.

The proposed extension of domestic garden is located to the south of the dwelling and is highly prominent in the street scene due to the low boundary treatment and multiple vantage points into the site.

Although, the change of use of agricultural land to domestic garden alone is unlikely to have a significant adverse impact on the landscape character or open land. However works carried out under the Land Planning and Development (Exemptions) Ordinance (2007) within the proposed domestic land that would otherwise be exempt, have the potential to have a detrimental impact on the landscape character and visual amenity given that the proposed domestic land is relatively open and undeveloped.

It is therefore considered reasonable and necessary in this circumstance to remove the ability of the homeowner to carry out certain development within the proposed

garden without planning permission, thereby removing in part some exemption rights permitted under Class 1 of the Land Planning and Development (Exemptions) Ordinance, 2007 to manage future development. It is recommended that a condition to this effect is attached.

‘Exempt development’ that occurs beyond 30 metres from the dwelling would require planning permission and would be assessed on its own merits. However, a proportion of the proposed domestic land would be within 30m from the dwelling-house, therefore the following types of development set out under the Land Planning and Development (Exemptions) Ordinance, 2007, have the potential to have a detrimental effect on the landscape character including sheds, outbuildings, fences and walls.

All other forms of development that could be carried out on this area of land as set out under the Land Planning and Development (Exemptions) Ordinance, 2007, would not be so detrimental to the landscape character due to the criteria applied to each type of the development set out in the Land Planning and Development (Exemptions) Ordinance, 2007. Furthermore, Exemptions rights would be limited given the location of the road to the south of the dwelling.

It is therefore considered necessary and reasonable to remove some of the exemption rights afforded to the householder. On this basis, the proposal would satisfy the provisions of Policy GP15 a).

No changes to the existing boundaries are proposed and the proposed use of the land for domestic purposes is unlikely to have any significant adverse effects on neighbouring residents.

Policy GP1 relates to the Landscape Character and Open Land. The impact on the landscape character and open land has been carefully considered under the provisions contained within Policy GP15. Given the extent of curtilage associated with the neighbouring property to the west (Le Gardinet) which runs alongside the full extent of the proposed curtilage extension the subject of this report, and subject to the recommended conditions, the change of use would respect the landscape character and openness of the land. It 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.

In response to the proposed bio-diversity enhancement in line with the Strategy for Nature Supplementary Planning Guidance, a reasonable area of land to the south of the site has been designated appropriately of which includes a tree planting scheme including alder, field maple, crab apple, elder, goat willow, ash and sweet chestnut. The level of enhancement is proportionate and reasonable for the size of the change of use proposed and therefore is acceptable in light of the guidance.

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.

Recommendation:

Grant with Conditions



Date: 29/11/21