

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 (243 sqm) (retrospective), and erect detached single storey garage and chicken coop to west boundary.

LOCATION: Elam Cottage, La Grande Rue, St. Saviour.

APPLICANT: Mr L Le Cheminant

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 22/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTech Freelance Architecture: LLC-21-1042-01A.

Application Ref: FULL/2021/2116

Property Ref: E008910000

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.As shown on the approved drawing (ref: LLC-21-1042-01A), the storage container located on the approved domestic garden extension to the rear of the dwelling shall be removed from site within 2 months of this decision.

Reason - To secure the satisfactory appearance of the completed development and the removal of an unauthorised structure.

Expiry Date: This permission will cease to have effect on 10/01/2025 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.

For the avoidance of doubt, this decision permits the proposed garage to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

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/2021/2116
Property Ref: E008910000
Valid date: 22/09/2021
Location: Elam Cottage La Grande Rue St. Saviour Guernsey GY7 9PS
Proposal: Change of use of agricultural land to domestic garden (243 sqm) (retrospective), and erect detached single storey garage and chicken coop to west boundary.

Applicant: Mr L Le Cheminant

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.

4. As shown on the approved drawing (ref: LLC-21-1042-01A), the storage container located on the approved domestic garden extension to the rear of the dwelling shall be removed from site within 2 months of this decision.

Reason - To secure the satisfactory appearance of the completed development and the removal of an unauthorised structure.

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.

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OFFICER'S REPORT

Site Description:

The application site comprises a traditional 1 ½ storey, semi-detached cottage, positioned on the north side of La Grand Rue on the eastern edge of a cluster of development centred around Rue Perelle and the junction with La Grande Rue and Fief La Comte, and located in a predominantly rural area Outside of the Centres and within a Conservation Area under the Island Development Plan (IDP). A driveway adjacent to the east gable provides shared vehicular access to the rear of both the application property and its adjoining neighbour 'Kew Cottage'.

The area of land the subject of this application is located to the rear of the dwelling and appears to be bounded by a mix of earth banks, trees/hedging, and a mix of timber and wire fences. A storage container, building material and truck are all located the rear of the property, within an area of agricultural land, without the grant of planning permission.

The rear garden of the adjoining semi-detached property is enclosed by a low rendered wall and timber/wire fencing, and is overlooked from most points within the application site.

The application site is bounded by domestic gardens to the north, east and west, and adjoins an agricultural field to the north west.

Relevant History:

FULL/2018/0824	Extend and convert existing garage to dwelling, erect garage, create new driveway and parking and change of use of agricultural land to domestic garden (Revised)	Refused
FULL/2017/1591	Extend and convert existing garage to dwelling, erect garage, create new driveway and parking and extend domestic curtilage.	Refused
PAPP/1995/3529	Erect a garage/store.	Granted

Existing Use(s):

Agriculture – field to the rear of the dwelling-house.

Residential – Dwelling-house, including detached garage.

Brief Description of Development:

Planning permission was originally sought to erect a detached, single storey metal clad garage and chicken coop to the rear of the site, adjacent to the north-west boundary.

The application was deferred as the proposed siting of the domestic garage was located on agricultural land. It was also regarded that the land in question was already in domestic use given the siting of domestic paraphernalia at the time of the site visit.

The application has been amended to seek retrospective permission to change the use of agricultural land to domestic garden (circa. 243sqm), and to include the proposed garage and chicken coop.

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

OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

GP1 – Landscape Character and Open Land

GP8 – Design

GP9 – Sustainable Development

GP13 – Householder Development

GP15 – Creation and Extension of Curtilage

Representations:

The Authority has received a letter of representation from one party objecting to the original proposal. Grounds for objection principally relate to the following issues:-

- Unauthorised development sited on the land to the rear of the dwelling-house.
- Overdevelopment on the site due to the applicant owning an existing garage.
- Change of use of land required.
- Biodiversity requirement – SPG.
- Intent to develop the domestic garage into a new dwelling.
- The dwelling-house stands in a Conservation Area, although the land in question is not.

No further representations have been received in respect of the change of use of land.

Consultations:

None generated.

Summary of Issues:

- Whether the change of use of land is acceptable.
- Whether the design, scale, mass, siting, form and materials of the development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

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).**

As set out in the officer's report as part of application FULL/2018/0824, the principle of extending the domestic curtilage of the property has already been considered acceptable under Policy. It was noted under 'other matters' in the officer's report that:

"the agricultural land forming part of the application site is not located within an Agriculture Priority Area, and given the small size of the land parcel in question, its degree of enclosure and well defined boundary features, its lack of direct connection to larger areas of agricultural land to the north west, and the fact that it should not result in any unduly adverse impact on

neighbouring amenity, its change of use to domestic garden is considered to be acceptable under the provisions of Policy GP15”.

Consequently, the conclusion reached as part of the former application, albeit it was refused planning permission, is the same conclusion reached as part of this application in light of policies OC5(B), GP1 and GP15.

With regards to the proposed garage and coop, the design of the proposed development is considered to achieve a good standard of design for the purposes of Policy GP8 in terms of its scale, mass, form, and siting. The metal cladded exterior is more akin to an agricultural outbuilding, although in this secluded location together with the flexibility afforded to householder development in terms of design matters, the proposed choice of material is acceptable.

The garage is not considered to have a significant adverse effect on the rear built form of the surrounding area and due to its position, the proposal is unlikely to be visible in public views.

Whilst it is recognised that the property is already served by one garage, it would be unreasonable to refuse planning permission based on the applicant’s desire to increase the number of domestic ancillary structures on the land, provided that the garage is used for domestic purposes incidental to the enjoyment of the dwelling-house. An informative to this effect is recommended.

It is not considered that the creation of a second garage would lead to overdevelopment of the site. However, given the planning history of the site and in light of the representation received, it is emphasised that any future attempt to convert the existing or proposed outbuilding to a dwelling-house would represent a material change of use of the land, and therefore would require planning permission.

The dwelling-house and existing garage stand within a Conservation Area, although the field in question lies outside of the Conservation Area, therefore the proposed development would not directly affect the character or appearance of the Area. The setting of the Conservation Area is not a consideration under Policy GP4.

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents. Although, due to the orientation of the garage together with its scale, form, mass and its distance to neighbouring properties, the proposal is unlikely to result in any significant harm to neighbour amenity to justify refusal.

Whilst the introduction of the Strategy for Nature, 2020 (Supplementary Planning Guidance) expects that new applications for the change of use of land to domestic curtilage should include measures to enhance the biodiversity of the site, it is not considered necessary to request additional information in this particular case given the small area and existing use and condition of the land. It is however

recommended that an informative encouraging biodiversity measures should be attached to the decision to inform the applicant.

It is noted that the unauthorised development is shown to be removed as part of this application. A condition requiring its removal within a specified timeframe should be attached to the decision.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

The representation received has been taken into account as part of this application and where appropriate has been addressed above.

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.

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, subject to conditions.

Date: 06/01/22