

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 (6,875sq.m.) and clad glasshouse (retrospective) and create basketball court.

LOCATION: Brooklyn Way, Rue Cohu, Castel.

APPLICANT: Mr D Sauvarin

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: 24/06/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Basketball court specification (date stamped received 8th October 2021), annotated site and block plan (date stamped received 22nd April 2022).

Application Ref: FULL/2021/2235

Property Ref: D01643A000

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. The landscaping scheme shall be fully completed, in accordance with the approved Biodiversity Enhancement Statement, in the first planting season following the grant of this permission. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, 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 ensure that the biodiversity enhancement planting scheme is carried out in a suitable timeframe in order to accord with the Strategy for Nature supplementary planning guidance.

Expiry Date: This permission will cease to have effect on 23/06/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the existing timber cladded outbuilding, however named, 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/2021/2235
Property Ref: D01643A000
Valid date: 25/10/2021
Location: Brooklyn Way Rue Cohu Castel Guernsey GY5 7TG
Proposal: Change of use of agricultural land to domestic garden (6,875sq.m.) and clad glasshouse (retrospective) and create basketball court.
Applicant: Mr D Sauvarin

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. The landscaping scheme shall be fully completed, in accordance with the approved Biodiversity Enhancement Statement, in the first planting season following the grant of this permission. Any trees or plants removed, dying, being severely damaged or

becoming seriously diseased, 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 ensure that the biodiversity enhancement planting scheme is carried out in a suitable timeframe in order to accord with the Strategy for Nature supplementary planning guidance.

INFORMATIVES

For the avoidance of doubt, this decision permits the existing timber clad building, however named, 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.

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 site is not located in an Agricultural Priority Area.

The dwelling-house and outbuilding are located to the south of the site, accessed by a vehicular access from Rue Cohu. A large area of agricultural land lies to the north of the dwelling, with the KGV playing fields to the north-east. Much of the former glasshouses have been cleared from the site between 1979 and 2001 based on orthophotographs.

The site is bounded by mature landscaping on the south and west boundaries and therefore is not highly visible along Rue Cohu.

Planning permission was originally sought to change the use of a limited area of agricultural land to domestic curtilage. The area of land in question fell under the same footprint as a former glasshouse (circa 148sqm) as explained in the applicant's letter dated 22nd September 2021. The applicant intends to use the area in question as a basketball court, finished with a sports tile finish and two basketball rings. No perimeter fencing or lighting is proposed.

Concerns were raised with regards to the alterations to the former glasshouse located to the east of the proposed basketball court. It was observed on site that the glasshouse had been clad over and appeared to be in use, incidental to the enjoyment of the dwelling-house. The former glasshouse is recognised as an unauthorised domestic outbuilding sited on agricultural land by virtue of the alterations carried out by the current, and previous, property owners.

For the avoidance of doubt, given that there are no substantial glasshouses visible on the land, the site is not recognised as a redundant glasshouse site for the purposes of Policy OC7.

In light of La Société Guernesiaise's comments, some concerns were also raised in relation to the proposed landscaping scheme in an attempt to address the requirements of the Strategy for Nature (2020).

In response, the applicant has applied to extend the area of domestic curtilage to take into account the outbuilding and to clad the exterior of the structure retrospectively. The applicant has also provided an amended landscaping scheme in attempt to overcome the concerns raised.

Relevant History:

None pertinent to this application.

Existing Use(s):

Former glasshouse – agricultural land

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
✓
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Policies considered most relevant:

OC5(B): Agriculture Outside of the Centres – Outside the Agriculture Priority Areas
GP1: Landscape Character and Open Land
GP8: Design
GP13: Householder Development
GP15: Creation and Extension of Curtilage

Comments:

La Société Guernesiaise – original scheme:

"In respect of this application, we would highlight that the biodiversity proposals do not appear to take account of the existing habitats in the site. The area proposed for reseeded as a wildflower meadow has been recorded as Amenity Grassland since the first Habitat Survey (1999) and as such, it is possible that the long-established management has created a relatively rich sward. If this was to be removed and sown with a seed mix of imported provenance, this may lead to net biodiversity loss. Also,

as the proposed wildflower mix is unspecified we do not know if the species are native or non-native and cannot therefore determine the suitability in terms of local use. Finally, the planned location is in close proximity to established trees and is therefore likely to be shaded. As such, it might not sustain a meadow habitat for the long term.

With the above in mind, we would recommend that the applicant contact La Société Guernesiaise for advice on the existing site and any suitable landscaping to enhance biodiversity. La Societe can be contacted by emaiiinqinfo@societe.org.gg."

Conclusion/Brief comment:

The proposal to extend the domestic curtilage falls to be considered principally under Policies OC5(B), GP15 and GP1 of the Island Development Plan.

The site is not located within an Area of Biodiversity Importance or an Agriculture Priority Area. No changes to the existing boundaries are proposed, and despite the size of the curtilage extension, the resultant effect on the landscape character, openness of the land, and visual amenity would be negligible given that the site is not highly visible in public views.

Despite the proposed extension of curtilage backing onto neighbouring properties particularly along the south-east boundary of the site, the resultant effect of the development on the amenities of neighbouring residents is not considered to be detrimental. This conclusion has been reached given that the majority of the current exemptions ordinance would not be applicable as the majority of the area of land would be more than 30m from the dwelling-house. On this basis, there is no requirement to withhold exemption rights in this case. Any development beyond 30m from the dwelling-house would automatically require planning permission and would be advertised and assessed on its individual merits.

The design of the basketball court is acceptable under policy GP8 and GP13 and is a reasonable aspiration of the property owner and due to the distance to neighbouring properties to the south, it is unlikely that the amenities of neighbouring residents would be adversely affected based on the information submitted. Similarly, the use of the large detached outbuilding for domestic purposes would not lead to any undue harm to neighbour amenity. It is recommended that an informative be attached to the decision highlighting the use of the structure.

Further to receipt of the comments from La Société Guernesiaise, and in accordance with the Strategy for Nature, amendments to the application have been secured. The submitted landscaping scheme would result in a bio-diversity improvement by virtue of a new native hedgerow along the south-east and west boundaries respectively, removal of Pampas grass, new fruit trees, together with bio-diversity management practices.

Subject to appropriate conditions, the proposal would therefore comply with Policies OC5(B), GP1, GP8, GP13 and GP15.

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.

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: 22/06/22