

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 (retrospective) (3,096 sqm).

LOCATION: Les Deux Puits, Ruette Rabey, St. Martin.

APPLICANT: Pegasus Limited

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: 06/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room drawing no: 300 B1A.

Application Ref: FULL/2021/2261

Property Ref: J012610000

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.Notwithstanding the information shown on the approved plans, within two months of the date of this permission details of the biodiversity landscaping scheme set out on drawing 300 B1A including full details of tree and wildflower planting setting out planting schedules, noting the species, sizes, numbers and densities of plants shall be

submitted to and agreed in writing by the Development & Planning Authority.

Reason - To ensure that the planting scheme is carried out in a suitable timeframe in order to accord with the Strategy for Nature supplementary planning guidance.

3.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the grant of this permission, or in accordance with a programme previously agreed in writing by the Authority. 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 given the retrospective nature of the application.

Expiry Date: This permission will cease to have effect on 05/05/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Prior to submitting full details of the wildflower meadow as shown on the approved drawings, it is strongly encouraged that you contact La Société Guernesiaise for further information on the most appropriate method to maximise biodiversity of the approved area of garden. 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/2021/2261
Property Ref: J012610000
Valid date: 26/10/2021
Location: Les Deux Puits Ruelle Rabey St. Martin Guernsey GY4 6DU
Proposal: Change of use of agricultural land to domestic garden (retrospective) (3,096 sqm).

Applicant: Pegasus Limited

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. Notwithstanding the information shown on the approved plans, within two months of the date of this permission details of the biodiversity landscaping scheme set out on drawing 300 B1A including full details of tree and wildflower planting setting out planting schedules, noting the species, sizes, numbers and densities of plants shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - To ensure that the planting scheme is carried out in a suitable timeframe in order to accord with the Strategy for Nature supplementary planning guidance.

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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 given the retrospective nature of the application.

INFORMATIVES

Prior to submitting full details of the wildflower meadow as shown on the approved drawings, it is strongly encouraged that you contact La Société Guernesiaise for further information on the most appropriate method to maximise biodiversity of the approved area of garden. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a protected building which is located on a corner plot between Ruelle Rabey and Ville Amphrey, St. Martin. The site is situated Outside of the Centres as defined in the Island Development Plan and is not located within or adjacent to an Agriculture Priority Area.

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

Concerns were raised in relation to the existing use of the proposed area of garden due to the siting of children's play equipment, in particular its size and permanency. Consequently, the agent has included these works within the application and has paid an additional fee to take into account the retrospective nature of the works.

Relevant History:

None pertinent to this application.

Existing Use(s):

Residential

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

GP5: Protected Buildings

GP15: Creation and Extension of Curtilage

Strategy for Nature (2020) Supplementary Planning Guidance.

Comments:

La Société Guernesiaise:

In respect of this application, we support the proposed biodiversity measures in terms of the planting fruit trees. We would make two comments -

The existing site has been classified as an Amenity Grassland habitat in all three island-wide habitat surveys (1999, 2010 and 2018). As such, it is possible that the grassland already has ecological value — this would depend on its historic management and whether the area has been fertilized or sprayed with herbicides. It may be of greater benefit to local biodiversity if the current management (mowing) regime of the grassland was reduced to 1-2 cuts per year, rather than being ploughed up for the sowing of a new wildflower meadow.

If the use of an imported wildflower seed mix is ultimately deemed necessary, we would recommend the use of local native species only. If the applicant required further assistance or advice, we would ask that they contact La Société Guernesiaise by emailing info@societe.org.gg

Conclusion/Brief comment:

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 application site is not located within an Area of Biodiversity Importance or within an Agriculture Priority Area (APA) as defined in the Island Development Plan.

The application does not propose to remove any established boundary treatments.

Due to the secluded nature of the land and well-established boundary treatments, the area of land does not contribute to a wider area of open land from a spatial analysis perspective or landscape character, for the purposes of Policy GP1 and GP15. The size and extent of the granite wall to the rear (north) boundary of the site

would currently preclude any agricultural use with the neighbouring field to the north of the site.

There would be no requirement to restrict the exemption rights afforded to the householder to manage future development of the land due to mature landscaping which features along the east boundary of the site, the Protected status of the dwelling which limits some exemption rights and the number of existing outbuildings/glasshouse which exist on the site because any further outbuildings would require an application to be submitted for consideration by the Planning Service.

The proposal would not cause undue harm to the amenities of neighbouring residents due to the relationship to neighbouring properties.

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, and 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.

The agent has included three areas of biodiversity enhancement to take into account the Strategy for Nature (2020) Supplementary Planning Guidance of which includes;

- Area of new fruit tree planting crab apple, plumb, pear, cherry and fig.
- Area of wildflower seeding (pollinator mix for bees and habitat cover).
- Area allocated for compost heaps.

The provision of biodiversity enhancements can be managed by planning condition. It is encouraged that the wildflower meadow is of native species or to ensure the existing grass is maintained through a management regime based on current high level, strategic guidance as set out in the Strategy for Nature (2020). Through an informative, the applicant is encouraged to contact La Société Guernesiaise to seek expert advice.

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: 03 May 2022

