

**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 (3400sqm).

**LOCATION:** Lahaina, Le Petit Marais, Vale.

**APPLICANT:** Mr & Mrs Hockey

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: 16/12/2021**

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/11/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Jason Hobbs Architectural Services Ltd: 6190/A/1a, Biodiversity planting schedule and plan

**Application Ref:** FULL/2021/2297

**Property Ref:** C00450A000 + C002520000

**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 approved biodiversity planting scheme shall be fully completed in the first planting season following the first use of the land as domestic garden. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To ensure that biodiversity enhancements are delivered.

**Expiry Date: This permission will cease to have effect on 15/12/2024 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](http://www.gov.gg/planningpolicy). In line with this guidance, The Development & Planning Authority would encourage you to consider further 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](mailto: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](http://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](mailto: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/2021/2297  
**Property Ref:** C00450A000 + C002520000  
**Valid date:** 08/11/2021  
**Location:** Lahaina Le Petit Marais Vale Guernsey GY3 5DJ  
**Proposal:** Change of use of agricultural land to domestic garden (3400sqm).  
  
**Applicant:** Mr & Mrs Hockey

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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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.

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3. The approved biodiversity planting scheme shall be fully completed in the first planting season following the first use of the land as domestic garden. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To ensure that biodiversity enhancements are delivered.

**INFORMATIVES**

Please be aware of the Supplementary Planning Guidance note: Strategy for Nature, 2020 which can be found at [www.gov.gg/planningpolicy](http://www.gov.gg/planningpolicy). In line with this guidance, The Development & Planning Authority would encourage you to consider further 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](mailto:societe@cwgsy.net).

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## **OFFICER'S REPORT**

### **Site Description:**

The property known as 'Lahaina' is a 1970's detached bungalow, and extended in 2010. The house is set back from and faces southwest onto Le Petit Marais, along the northwest boundary is an entrance to a large paddock, within the same ownership, which opens out behind Lahaina and the neighbour to the northwest and spans north-eastward until it meets La Rochelle Road. There is an unused overgrown gated entrance from La Rochelle Road. The land slopes up from southwest to northeast. The property is located Outside of the Centres as defined in the Island Development Plan.

### **Relevant History:**

There is no relevant history pertaining to this application.

### **Existing Use(s):**

Residential use class 1: dwelling house.  
Agricultural use class 28: agriculture.

### **Brief Description of Development:**

This application is for a change of use of 3,400sqm of the agricultural paddock to domestic curtilage, leaving 1,184sqm of agricultural land at the top of the paddock, adjacent to La Rochelle Road. A new earthbank and gate will be installed to create a new boundary between the paddock and the top part of the field which is to remain in agricultural use.

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

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

### **Representations:**

One letter of representation from La Societe Guernesiaise has been received;  
*"In respect of this application, we would highlight that the biodiversity proposals do not offer any specific measures which would lead to net biodiversity gain. The new earthbank would potentially have some ecological value but this would depend on its structure, planting and ongoing management; turf and stone is broadly outlined but without further details being provided.*

*We would highlight that the existing grassland of the field may be of botanical interest, particularly if it has not been maintained intensively, although this could only be confirmed by surveying the site.*

*Potentially suitable additional biodiversity measures for this site could include committing to a less intensive mowing regime for the grassland (including removal of cuttings), avoiding the use of fertilizers or herbicides, or leaving a perimeter strip which is cut only 1-2 times per year, or is cut on rotation e.g. in two halves at different times.*

*As with all sites, there is a risk that changes to long-established land management practices can quickly lead to a net loss of biodiversity. With this in mind, we would recommend that the applicant contact La Société Guernesiaise for further advice on the existing site and any additional measures to enhance biodiversity."*

### **Consultations:**

None

### **Summary of Issues:**

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

### **Assessment against:**

#### **1 - Purposes of the law.**

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

#### **2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**

Policy OC5(B) 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.

Policy GP1 states that proposals will not be supported if they would result in the unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of an area.

At present the paddock, which is on a slope, has a stable located at the lower end near the entrance, 6m away from the southwest boundary with a neighbouring property. There are also neighbouring residential properties to the northwest and southeast and La Rochelle Road runs along the northeast boundary.

The northern boundary is made up of a mature earthbank and the northwest and southeast boundaries are mostly hedging and timber post fence, with domestic boundary wall and fencing around the two closest properties along the southwest boundary. There are also two areas with numerous trees one on each side of the paddock, all the existing planting/habitat is to be retained and maintained.

Due to the topography of the land the lower end of the paddock, close to the stable gets very water logged during the winter months, this is due to a well which overflows and a high water table, which is not very good for the resident old pony's hooves. The proposal for the change of use is so the applicants can put in some drainage to alleviate the flooding issues to give a better quality of life to the old pony. There are no plans to change the boundaries, the openness of the paddock or to change the land in any way.

In line with the Strategy for Nature additional plants along the new earthbank, and in areas along the existing earthbanks where there are gaps, will be planted according to the submitted biodiversity planting schedule and plan. This additional planting is considered acceptable.

Due to the issue of flooding at the southwest end of the paddock and the fact it is surrounded by residential properties and a highway. The land is not ideally suited for agricultural use, as stated in the 2018 Habitat Survey, which categorises the land as half sand/mud and half improved grassland and not arable land.

The proposals would not have any detrimental impact on the open character of the surrounding area because there will be no changes to the land or the boundary treatments. It is suggested that the applicants get in touch with La Societe Guernesiaise regarding the management of the land and how to increase biodiversity.

The proposals are not considered to affect any of the neighbours amenity as there will be no changes to the land.

Due to the nature and type of development, it is not considered necessary for the applicant to demonstrate that the proposal has been designed to take into account the criteria of Policy GP9 (Sustainable Development).

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

**3 - General material considerations set out in the General Provisions Ordinance.**

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. Where relevant the issues are considered in section 2 above.

**4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

**Date:** 10/12/2021