

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 (850 sqm) and erect shed to north boundary (retrospective).

LOCATION: Vent de la Mer, Route De Rocquaine, St. Pierre Du Bois.

APPLICANT: Mr & Mrs Z Davis

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: 23/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/11/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: drawings4U drawing no: 212051.SK.01A & 02A.

Application Ref: FULL/2021/2352

Property Ref: F011450000

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 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.

3.The greenhouse frame shown to be removed should be demolished and all material removed from site prior to the land hereby approved being brought into domestic use.

Reason - In the interests of landscape character and visual amenity.

4.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no gate, fence, wall or other means of enclosure shall be erected, constructed or placed along the north, east or south boundary of the domestic garden hereby approved.

Reason - In view of the sensitive nature of the site, the erection of such structures as 'exempt development' may have an adverse visual impact. This condition is imposed to make sure that any proposals can be properly considered.

5.The land which forms the subject of this application shall be managed in accordance with the hereby approved biodiversity plan 212051.SK.02, unless otherwise agreed in writing by the Authority.

Reason - To ensure that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

Expiry Date: This permission will cease to have effect on 22/05/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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/2021/2352
Property Ref: F011450000
Valid date: 22/11/2021
Location: Vent de la Mer Route De Rocquaine St. Pierre Du Bois
Guernsey GY7 9HT
Proposal: Change of use of agricultural land to domestic garden (850 sqm)
and erect shed to north boundary (retrospective).
Applicant: Mr & Mrs Z Davis

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 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.

3. The greenhouse frame shown to be removed should be demolished and all material removed from site prior to the land hereby approved being brought into domestic use.

Reason - In the interests of landscape character and visual amenity.

4. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no gate, fence, wall or other means of enclosure shall be erected,

constructed or placed along the north, east or south boundary of the domestic garden hereby approved.

Reason - In view of the sensitive nature of the site, the erection of such structures as 'exempt development' may have an adverse visual impact. This condition is imposed to make sure that any proposals can be properly considered.

5. The land which forms the subject of this application shall be managed in accordance with the hereby approved biodiversity plan 212051.SK.02, unless otherwise agreed in writing by the Authority.

Reason - To ensure that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

OFFICER'S REPORT

FAST TRACK OFFICER'S REPORT

Brief Description of the site:

The property known as 'Vent de la Mer' was originally a mid-20th century bungalow, it has been extended over the years and is now a one and a half storey dwelling. It is situated behind the ribbon development along the east side of Route de Rocquaine. There are open Agriculture Priority Area fields to the north and east, and partially south. There is a detached neighbouring property to the south as well. A vinery is between the property and the road.

The property is located Outside of the Centres and within the Agriculture Priority Area as defined in the Island Development Plan.

Relevant History:

FULL/2019/2419 - Erect single storey flat roof extension to north (side) elevation, alterations to dormer and construction of balcony to west (front) elevation – Approved January 2020.

Existing Use(s):

Residential use class 1: dwelling house.

Assessment: *(Tick as appropriate)*

no representation	X
accords with policy	X
within curtilage	X
design acceptable	X

visual amenity acceptable	X
no material neighbour impact	X
traffic not affected	X

Policies considered most relevant:

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

Consultations:

The Guernsey Farmers Association

“The Guernsey Farmers Association have been invited to consult on the intended change of use from agricultural to domestic use of land attached to the dwelling, 'Vent de la Mer', owned by Mr & Mrs Z Davis.

Having read through the various letters from their representative and looked through the drawings it is clear this land has not been used for agriculture for some time. When glasshouses are removed from site this land should have reverted to agricultural use, however this hasn't occurred and as noted there is no direct access to the site other than through the owners driveway and is relatively small, making farming this land more difficult and uneconomic. The establishment of a wide variety of tree and other species is providing a diverse habitat for Guernsey wildlife and with the intended additions of bug hotels and un-mown grassland will further add to this.

This land was effectively not returned to agricultural use some two decades ago, but contrary to many heavily manicured gardens, requesting change of use, appears to be providing a valuable diverse habitat and providing the proposed statement of intent to improve environmental gain is adopted the GFA has no opposition to this planning permission.”

La Societe Guernesiaise:

“La Societe remains concerned over the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan currently permits such applications, we seek to optimize ecological gains wherever possible.

In respect of this application, we commend the applicant for planting a selection of native and semi-native trees over the long term. Unfortunately, there are no details on how the land will be managed in order to achieve net biodiversity gain as required by the Planning Service.

We would highlight that the existing grassland habitat 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. Such surveys could be arranged through La Societe Guernesiaise.

With the above in mind, it may be possible for the landowner to alter the management regime of the field in order to increase its plant diversity. Potentially suitable biodiversity measures for this site could include committing to a less intensive mowing regime for the existing 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 eg in two halves at different times.

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

Conclusion/Brief comment:

Retrospective planning permission is sought to change the use of a section of agricultural land to domestic garden measuring 850m² and to retain a shed situated on this land and associated with the property known as Vent de la Mer.

The site is not within an Area of Biodiversity Importance. No changes to the existing boundaries are proposed and the use of the land for domestic purposes would have no adverse effects on neighbouring residents.

The land the subject of this application is bounded by the main property to the west (with a glasshouse and highway beyond) and by open land to the north and south and an area of woodland to the east. Existing boundary planting, to be retained under this application, screens the site from any public views within the surrounding area.

The IDP recognises there is a balance between protecting open and agricultural land and other legitimate uses Outside of the Centres. The designation of the Agriculture Priority Area (APA) represents the Island’s most valuable agricultural area. The application site is located within the APA however the applicant identifies that the site is low-lying, making the ground soft under foot for much of the year, and that the top soil is shallow. In addition, for over 20 years the land has been managed as a domestic garden, with the boundary earthbanks left to flourish with mature planting along them, and many trees have been planted around the perimeter. All of which has improved the biodiversity of the land and to remove an established boundary to allow for the land to be used for agriculture would have unacceptable environmental impacts. Furthermore, there would be adverse impacts on biodiversity were the land to revert to agricultural use, especially as the garden is close to an area of woodland helping to create a wildlife corridor. For these reasons, and given the limited size of the site, the removal of the land from the APA is considered acceptable in this instance, and supported by the Guernsey Farmer’s Association.

In light of recent direction given by the Development and Planning Authority in relation to the Strategy for Nature SPG, a Biodiversity Statement has been submitted outlining further improvements to biodiversity. These include an area of wild grasses (uncut lawn) under the trees around the perimeter of the garden, at least 2m to the north and south and 5m to the eastern end of the garden. At the eastern end of the garden all garden debris will be stacked and left in order to encourage insects and fungi to support birds and bats. Whilst the scheme does not include any additional planting, in this case the existing biodiversity value of the land is high and the proposed management scheme would maintain the biodiversity contribution, and is therefore acceptable.

The land in question is well related to the existing dwelling, and of limited visual impact outside of the site. Given the distance of the land from the main dwelling (approximately 47m in length) only part would benefit from exemption rights. The introduction of hard landscape features along the property boundaries, as allowed under the exemptions, could however impact on the character of the area and it is recommended that exemption rights are removed for these features. At present a domestic greenhouse frame exists on the land (over 30m from the house) and it is proposed to be removed, which will improve the landscape character of the surrounding area. The shed to be retained is of limited scale and is positioned tight to the northern boundary of the site, close to the existing parking area. The proposed change of use of the land together with the retention of the shed is unlikely to have a significant adverse effect on the landscape character of the area, in accordance with Policies GP15 and GP1.

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

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.

Recommendation:

Grant with Conditions



Date: 19/05/2022

