

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 (1155 sq.m.), demolish wall (south boundary) and install gate (east boundary).

LOCATION: Valker Vinery, Rue Du Manoir, Forest.

APPLICANT: Mr O Le Prevost

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 02/11/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Block Layout Plan (Option 1)
Biodiversity Statement
Gate Options (Gate 2)

Application Ref: FULL/2021/2377

Property Ref: H000700000 + H00070A000

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 biodiversity planting scheme (received on 30/12/2021) shall be carried out in accordance with the submitted details during the first planting season following the first use of the land as domestic garden. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting 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 compliance with the aims and objectives of the Strategy for Nature.

5.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no sheds, greenhouses, outbuildings or other buildings or structures nor any fencing or walls shall be erected or constructed on the land to which this permission relates.

Reason - The carrying out of development of this type may cause harm in terms of the overall appearance and character of the area.

Expiry Date: This permission will cease to have effect on 10/01/2025 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/2021/2377
Property Ref: H000700000+H00070A000
Valid date: 02/11/2021
Location: Valker Vinery Rue Du Manoir Forest Guernsey GY8 0JF
Proposal: Change of use of agricultural land to domestic garden (1155 sq.m.), demolish wall (south boundary) and install gate (east boundary).

Applicant: Mr O Le Prevost

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.

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Reason - To ensure compliance with the aims and objectives of the Strategy for Nature.

5. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no sheds, greenhouses, outbuildings or other buildings or structures nor any fencing or walls shall be erected or constructed on the land to which this permission relates.

Reason - The carrying out of development of this type may cause harm in terms of the overall appearance and character of the area.

OFFICER'S REPORT

Site Description:

The property known as 'Valker Vinery' is a two storey semi-detached early 20th century dwelling, which site on a corner site. The gable fronted house faces south onto Rue du Manoir, the attached dwelling is to the west, La Rue des Fosses runs along the east boundary and an agricultural field the subject of this application is to the north. Across the road to the south are open agricultural fields within the APA. Beyond the neighbouring dwelling there is another open agricultural field laid to lawn and beyond that an open field within the APA. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2021/1555 – Change of use of agricultural land to domestic garden (850sqm) and demolish wall (south boundary) – Refused October 2021.

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 the agricultural land within the same ownership (to the north) to domestic curtilage (1,155sqm) and to demolish the wall between the existing domestic curtilage and the field. A replacement hedge would be planted along this boundary, and a gate installed in the north east corner of the site onto La Rue des Fosses.

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

GP13: Householder Development

GP15: Creation and Extension of Curtilage

Supplementary Planning Guidance

Strategy for Nature

Representations:

The Forest Douzaine and two other parties object to the loss of agricultural land as they feel that the proposed change of use is purely to raise the value of the property.

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 in such cases wherever possible.

In respect of this application, we commend the applicant for outlining their aims for improving the biodiversity of the property. Unfortunately, it is not currently possible to determine the suitability or likely effectiveness of the proposals from the brief overview 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. Such surveys could be arranged through La Societe Guernesiaise.

We do note that the applicant intends to contact La Societe regarding this project and we would be pleased to assist accordingly. This would help avoid common pitfalls such as improving existing soil conditions with compost or fertilizers, or the planting or sowing of non-local species.

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.

Consultations:

None

Summary of Issues:

- Impact of the development on the character and appearance of the area.
- Impact on the Agriculture Priority Area (APA).

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): Agriculture Outside of the Centres – Outside the Agriculture Priority Areas sets out that there is support for the loss of an existing farmstead, agricultural building or land where the new use accords with other relevant planning policies in the Island Development Plan. This provides a policy gateway for the change of use proposed.

The Island Development Plan recognises there is a balance between protecting open and agricultural land and other legitimate uses Outside of the Centres. Policy GP15: Creation and Extension of Curtilage outlines that such proposals will be supported where the change of use will not have a detrimental impact on the landscape character of the area, would not have an unacceptable impact on an Area of Biodiversity Importance, where it has been demonstrated that the land cannot contribute to or be used for commercial agriculture within an Agriculture Priority Area (APA), where it is demonstrated that there would be no unacceptable loss of established boundary features, and where the change of use would not adversely affect the amenities of neighbouring residents.

Policy GP1: Landscape Character and Open Land seeks to ensure that proposals do not result in the unacceptable loss of distinctive features that contribute to the wider landscape character and the local distinctiveness of the area.

The application site has its own access from La Rue des Fosses to the east. Boundary treatments along the south, west and north boundaries comprise a block wall and earthbank/fencing. The roadside boundary is made up of an earthbank with mature planting on top, with the west boundary comprising of a recently constructed and planted earthbank. The site is laid to rough grass.

Subject to a condition restricting the erection of outbuildings, glasshouses and walls/fences as Exempt development, which could have an adverse impact on the open, rural landscape character of the locality, it is not considered that there would be any unacceptable adverse impact on landscape character. A similar condition was imposed in relation to the change of use of the adjacent land to the west in 2017.

The site is not within an Area of Biodiversity Importance. Criterion b) to Policy GP15 does not apply.

The land to the west was domesticated in 2017. The land to the north and across the road to the east is also domestic curtilage. There is no longer a link to other fields within the APA, and as such it is not considered that the land could positively contribute to the commercial agricultural use of the APA.

The proposals are not to alter or change any of the earthbank boundaries, and replacement of the block wall on the south boundary with a hedge and trees would be a positive enhancement. Of the two options put forward for a gate in the north east corner of the site, Option 2, a traditional 5-bar timber gate, would be most appropriate in the context of the rural character of the locality.

It is not considered that management or use of the land as domestic garden would have any adverse impact on the amenities of neighbouring residents.

With regards to the Development & Planning Authority's requirement that applications of this type make provision for biodiversity enhancements, in accordance with the Strategy for Nature SPG, the applicant has submitted a Biodiversity Statement and state that they will be adding a variety of plants to the land and wildflowers along the rear boundary of the field to increase biodiversity of the wildlife currently attracted to the field, which will in turn increase the attractiveness of the currently undeveloped land, and also that, *"We will reach out to the Guernsey National Trust or Societe Guernesaise to plant some mixed native plants to ensure more biodiversity."*

The application is considered to comply with the aims and objectives of IDP policies GP1, GP13, GP15 and OC5(B).

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.

For the reasons set out within this report, it is recommended that planning permission be granted, subject to conditions.

Date: 07/01/2022