

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 (742sqm) (retrospective).

LOCATION: Silverdale, Rue A Ronces, Castel.

APPLICANT: Mr D Boylett

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: 18/02/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/11/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan (date stamped received 26th November 2021), annotated aerial photograph (date stamped received 15th November 2021)

Application Ref: FULL/2021/2478

Property Ref: D018480000

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. Within 6 months of the date of this permission, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants at the time of planting; and
- iii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a landscaping scheme for the development is agreed, in order to enhance the biodiversity of the site in accordance 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 agreement of the details under the above condition or within 9 months of the date of this permission, whichever is the sooner. 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 make sure that the agreed landscaping scheme for the development is implemented, in order to enhance the biodiversity of the site in accordance with the Strategy for Nature supplementary planning guidance.

Expiry Date: This permission will cease to have effect on 17/02/2025 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/2021/2478
Property Ref: D018480000
Valid date: 26/11/2021
Location: Silverdale Rue A Ronces Castel Guernsey GY5 7FF
Proposal: Change of use of agricultural land to domestic garden (742sqm) (retrospective).

Applicant: Mr D Boylett

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. Within 6 months of the date of this permission, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants at the time of planting; and
- iii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a landscaping scheme for the development is agreed, in order to enhance the biodiversity of the site in accordance 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 agreement of the details under the above condition or within 9 months of the date of this permission, whichever is the sooner. 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 make sure that the agreed landscaping scheme for the development is implemented, in order to enhance the biodiversity of the site in accordance with the Strategy for Nature supplementary planning guidance.

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 detached wing are located to the east of the site, with a large elongated parcel of agricultural land to the rear where a number of glasshouses once stood.

The site is bounded by low boundary treatments to the north, south and west boundaries. The agricultural land to the rear of the site is not highly visible in public views due to the existing roadside landscaping to the south, and the position of buildings and structures to the north of the site.

Retrospective planning permission is sought to change the use of agricultural land to domestic curtilage (circa 748 sqm as noted in the application).

The applicant intends to remove existing fruit trees to the rear of the property and replace with a landscaping scheme, including native trees. In addition, a hedgerow is to be planted along the west boundary in attempt to take into account the Strategy for Nature (2020) Supplementary Planning Guidance.

Relevant History:

None pertinent to this application.

Existing Use(s):

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

GP15: Creation and Extension of Curtilage

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 proposed extension of domestic garden is located to the rear of the dwelling and is not highly prominent in the street scene, and contributes little to the openness of the surrounding area. Consequently, the change of use of agricultural land to domestic garden in this circumstance is not considered to have a significant detrimental effect on the landscape character or open land through the management of the land itself, including the existing unauthorised structures including two sheds and glasshouse, or the proposed hedge along the west boundary. It is not considered necessary to remove the exemption rights afforded to the householder.

The proposed extension of domestic garden is not located within or immediately adjacent to an Area of Biodiversity Importance or Agriculture Priority Area (APA) as defined in the Island Development Plan.

The application is not proposing to remove any established boundary treatments that could impact on the landscape character or openness.

The development proposed would not cause undue harm to the amenities of neighbouring residents due to the relationship to neighbouring properties when taking into account the low boundary treatments within the existing domestic curtilage.

By virtue of the proposed hedge along the west boundary of the application site, together with the replacement landscaping scheme to the rear of the site following the removal of existing fruit trees, the application has taken into account the Strategy for Nature (2020) Supplementary Planning Guidance. However, to ensure that the proposal would result in an enhancement in biodiversity further specific planting details will be required, this can be dealt with by condition.

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: 14/02/22