

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 form part of an extended curtilage to east (560m²) and create area of hardstanding, remove section of earthbank and erect new earthbank boundary to form vehicle access around playbarn and relocate storage containers.

LOCATION: Oatlands Village, Oatlands Lane, St. Sampson.

APPLICANT: FB 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: 12/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/12/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Paul Langlois Architects: 1540/43A & 46

Application Ref: FULL/2021/2546

Property Ref: B010080000

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 landscaping scheme shall be fully completed, in accordance with the details shown and approved on drawing 1540/43 revision A, in the first planting season following the change of use of agricultural land to associated curtilage, 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, 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 that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

5.The extended curtilage hereby approved shall be reserved exclusively as an access for emergency vehicles only and at no time shall it be used for additional car parking or for the storage of any equipment or materials (excluding the storage containers shown on the approved plans).

Reason - To ensure that the site remains in use for the intended purpose and to make sure that the site does not fall into an untidy condition and spoils the appearance of the area.

Expiry Date: This permission will cease to have effect on 11/05/2025 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/2021/2546
Property Ref: B010080000
Valid date: 15/12/2021
Location: Oatlands Village Oatlands Lane St. Sampson Guernsey GY2 4YT
Proposal: Change of Use of agricultural land to form part of an extended curtilage to east (560m2) and create area of hardstanding, remove section of earthbank and erect new earthbank boundary to form vehicle access around playbarn and relocate storage containers.

Applicant: FB 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. 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 landscaping scheme shall be fully completed, in accordance with the details shown and approved on drawing 1540/43 revision A, in the first planting season following the change of use of agricultural land to associated curtilage, 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, 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 that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

5. The extended curtilage hereby approved shall be reserved exclusively as an access for emergency vehicles only and at no time shall it be used for additional car parking or for the storage of any equipment or materials (excluding the storage containers shown on the approved plans).

Reason - To ensure that the site remains in use for the intended purpose and to make sure that the site does not fall into an untidy condition and spoils the appearance of the area.

OFFICER'S REPORT

Site Description:

The premises comprise a long established visitor attraction located to the south of the Braye du Valle. The premises' offer ranges from mini-golf to small scale specialised retail, play areas, a nursery and a restaurant. The premises also include a self-contained flat within the main building.

Two brick kilns situated within the site are protected monuments (PM82).

The site falls Outside of the Centres, but is otherwise undesignated within the Island Development Plan. The field to the east of the site comprises agricultural land (Use Class 28).

Relevant History:

FULL/2021/1753	Change of use, extensions to and alterations to covered play area to form gymnastic centre.	Granted 26/04/2022
FULL/2018/0243	Variations to works previously	Granted 27/04/2018

	approved to extend curtilage and erect play barns: Remove roadside earth bank, enlarge vehicular accesses and erect granite wall along south boundary.	
FULL/2016/2344	Extend curtilage to east and erect new two storey playbarn, covered play area and single storey building around central courtyard; vary previous condition to facilitate alternative use of existing playbarn; erect WC block; extend curtilage to west to provide additional car parking; and associated works.	Granted 27/09/2016

Existing Use(s):

Leisure and recreation (sui generis)
Residential Use Class 2
Agricultural Use Class 28

Brief Description of Development:

Planning permission is sought to change the use of a section of agricultural land (560m²) to extend the curtilage associated with the site. The land in question is situated to the east of the built form on site. The application also includes the removal of a section of earthbank, and the creation of an earthbank and to relocate existing storage containers.

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

Policy OC5(B): Agriculture Outside of the Centres – Outside of the Agriculture Priority Areas
Policy GP1: Landscape Character and Open Land
Policy GP6: Protected Monuments
Policy GP8: Design
Policy GP15: Creation and Extension of Curtilage

Representations:

Two letters of representation were received with regards to the application. The comments raised are summarised as follows:

- Tamarisk, Horse Chestnut and Italian Alder are not native to Guernsey;
- Acer Platanoides was to have been planted on the roadside boundary, field Maple Acer Campestris would be better;

- No objections are raised if the area is to be used for emergency vehicles;
- Concerns are raised though that the area could form another car park;
- No permission has been granted for the storage containers, there should be no need for such containers when large buildings have been granted permission;
- Mops and buckets are being stored on the exterior of the building which creating an untidy site, Condition 15 of previous permission stated no storage of any type on service yard to the south of the site;
- Bins facing east are visible from the south of the buildings, which together with the mops should removed and stored within the buildings;
- The landscaping proposed should be adhered to at the beginning of works and not simply left as per past applications.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Whether the proposal would result in any unnecessary loss of open and undeveloped land or would impact on the open landscape character of the area;
2. Whether the principle of a curtilage extension is acceptable in this location (including whether the proposal would have a negative impact on residential amenity);

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Policy GP15: Creation and Extension of Curtilage, of the Island Development Plan (IDP) states that: *"A proposal to create or extend curtilage will be supported where:*

- a) It would not have an unacceptable detrimental impact on the landscape character; and*
- b) It would not have an unacceptable impact on the biodiversity interest of an Area of Biodiversity Importance or, where negative impacts are unavoidable, they can be acceptably mitigated in accordance with a scheme to be agreed with the Authority in accordance with Policy GP3: Areas of Biodiversity Importance; and*
- c) It is demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or cannot*

- practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts; and*
- d) It is demonstrated that it would not involve an unacceptable loss of established boundary features that contribute positively to the character of an area, unless the new or replacement boundary treatment makes an equal or enhanced positive contribution to the character of the area; and*
 - e) It would not adversely affect the reasonable amenities of neighbouring residents."*

In the case of the application site, the area of land is well associated with the existing built form on site, is not located within an Agriculture Priority Area, and is surrounded by hedgerows and planting, other agricultural land and a residential property in different ownership. The site has not been identified as having any biodiversity importance.

Although a relatively small section of an existing earthbank situated to the northeast corner of the playbarn will be removed, the proposal includes the planting of a new earthbank along the full extent of the curtilage extension that will clearly delineate the extended curtilage and the remaining agricultural land to the east. Details of additional landscaping has also been provided which includes the type of trees to be planted, planting densities and protection measures to enable the planting to mature. By virtue of the proposed earthbank along the east boundary of the application site, together with the proposed landscaping scheme, the application has taken into account the Strategy for Nature (2020) Supplementary Planning Guidance in terms of biodiversity. However, to ensure that the proposal would result in an enhancement in biodiversity it is recommended that a condition is included on any permission, to ensure that the landscaping scheme is planted in accordance with the details provided in a timely manner.

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 APA represents the Island's most valuable agricultural area. In this instance, given that the land is outside of the APA, and based on the above the balance would not be towards protecting this land for agricultural purposes.

With regard to the impact on neighbouring properties, the proposal involves a change of use of an area of land to be included and managed as part of the curtilage associated with the site. The details confirm that the extension is required to enable a safe and accessible route for emergency vehicles to serve the children's nurse and the play barn. It is recommended that any permission is conditioned to ensure that it is reserved for the proposed use and to ensure that the extended curtilage is not used as an additional car park or for any form of storage. The storage containers are to be relocated to the rear of the site behind the existing built form on site and will be largely screened from Oatlands Lane to the south by the existing buildings, trees and hedgerows and by the proposed landscaping to be planted. Subject to the suggested conditions, any harm on residential amenity resulting from the proposal would therefore not be so substantial to warrant the refusal of planning permission.

Based on the above the change of use would accord with Policy GP15 a)- e) and provided that the proposal accords with all other relevant policies of the IDP, the principle of change of use to curtilage is considered to be acceptable in this particular location.

Policy GP1: Landscape Character and Open Land requires consideration of whether the proposal would result in any unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of the area.

The land in question is well associated with the built form and given its setting and the additional planting proposed the proposal would not undermine the wider landscape character or openness of the area. For the above reasons and subject to the conditions it is considered that the proposal would not have an unacceptable impact on the open landscape character of the area and accords with the provisions of Policy GP1.

The proposed curtilage extension is sufficient distance and is separated from the protected monuments by existing buildings and will therefore not cause any harm to their special interest or setting. The proposal would not negatively impact on highway safety.

For the reasons contained within this report it is considered that the proposal accords with the above mentioned Policies of the Island Development Plan and it is recommended that planning permission be granted.

Date: 03/05/2022

