

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: Demolish greenhouse and shed, erect earthbank, relocate sheds to east of site, alter vehicle access and install gate and change of use of agricultural land to domestic garden (1350 sq m) (retrospective).

LOCATION: La Pepiniere, La Vassalerie, St. Andrew.

APPLICANT: Mr S Pragnell

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: 13/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/01/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP drawing no: 3112 SK-02C.

Application Ref: FULL/2022/0036

Property Ref: K00668A000&K006680000

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.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 (other than any hereby expressly permitted) shall be erected, constructed or placed on any part of the site.

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.

Expiry Date: This permission will cease to have effect on 12/05/2025 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/2022/0036
Property Ref: K00668A000&K006680000
Valid date: 21/01/2022
Location: La Pepiniere La Vassalerie St. Andrew Guernsey GY6 8XJ
Proposal: Demolish greenhouse and shed, erect earthbank, relocate sheds to east of site, alter vehicle access and install gate and change of use of agricultural land to domestic garden (1350 sq m) (retrospective).

Applicant: Mr S Pragnell

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. 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 (other than any hereby expressly permitted) shall be erected, constructed or placed on any part of the site.

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.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'La Pepiniere' is a 1980's one and a half storey dwelling which is situated at the east end of a large old vinery site, the majority of which still remains agricultural land. The vehicular entrance is from the east off the crossroads of Rue des Hougues, Mourants Road, Rue de la Boullerie and La Vassalerie. Rue des Hougues runs along the southeast boundary and La Vassalerie runs around the northeast and north boundary of the site. The property is located Outside of the Centres and is within an Agriculture Priority Area as defined in the Island Development Plan.

Relevant History:

FULL/2022/0048 – Erect and alter earthbank to north and northeast boundary (Retrospective) – Approved February 2022.

CURT/2021/1598 – Definition of Curtilage – July 2021.

Existing Use(s):

Residential use class 1: dwelling house.

Agricultural use class 28: agriculture.

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(A): Agriculture Outside of the Centres – within the Agriculture Priority Area

GP1: Landscape Character and Open Land

GP8: Design

GP15: Creation and Extension of Curtilage

Conclusion/Brief comment:

This is a partial retrospective application to demolish a greenhouse and shed, and a new application for the erection of a new earthbank, relocate the sheds to the east of the site, alter the existing vehicle access and install a gate. Lastly the application is for a change of use of some agricultural land to domestic garden (1,350sqm).

The demolition of the greenhouse and the relocation of the sheds are deemed acceptable in this case and the new earthbank is considered to be a good choice for a new boundary as it encourages biodiversity.

The new entrance consists of creating brick entrance walls and a large central opening timber gate. The proposals for the gate will improve the existing, overgrown and gateless entrance without altering the character of the area.

The IDP recognises that agriculture plays a relatively small part in Guernsey's economy but is valuable for its land management function protecting and enhancing the countryside and providing visual access to open space.

The Strategic Land Use Plan requires a balance to be made between the protection of land for agriculture for the industry's current and future needs and recognising the role it plays in countryside management with ensuring land is available to meet other legitimate development requirements. The Island Development Plan has therefore identified large areas of contiguous agricultural land, and other areas well related to established agricultural operations, which represent Guernsey's most valuable agricultural land. These have been identified as Agriculture Priority Areas (APA).

Whilst the policy approach is to generally support development for agricultural purposes in the Agriculture Priority Areas, these areas have been broadly drawn and include areas of land and sites which are not currently used for agricultural purposes and could not be expected to contribute positively to commercial agriculture in the future. The Island Development Plan policies therefore allow for other forms of development within the identified Agriculture Priority Areas provided that they accord with all the other relevant policies of the Island Development Plan (Policy OC5A) and where it is demonstrated that the farmstead, building or land is no longer required for agricultural purposes and any proposed new use accords with the other relevant policies of the Island Development Plan.

The area of land to the west is well associated with the existing dwelling, La Pepiniere, adjacent as it once was a vinery. There was always a small amount of land

adjacent to the property that was domestic, and this application is seeking to re-align the boundary between the agricultural land and the domestic garden. The surrounding land to the north, east and south is in separate ownership to La Pepiniere and the agricultural land that is the subject of this application. The site does not form part of an existing agricultural holding. The outer boundaries of the site are clearly defined, and the application does not require any established boundary features to be removed in connection with the change of use of the land.

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 residential curtilage and given the location of the land in relation to neighbouring residential properties and that adequate boundary screening separates the land from the neighbouring properties, the proposed change of use would not of itself have an adverse impact on or affect their amenities.

The site is not located within an Area of Biodiversity Importance but has been accompanied by a Biodiversity Statement and drawings to show areas of enhancement across the site in line with the adopted Strategy for Nature.

The site is also located within the Agriculture Priority Area where it must be demonstrated that the land cannot make a positive contribution to the commercial function of the APA without unacceptable adverse environmental impacts. The application indicates that the remainder of the site is to remain agricultural land for agricultural purposes, although there is no independent access to the site other than across the domestic land associated with La Pepiniere and to provide an independent access would require part of a northern roadside boundary or a southern earthbank boundary to be removed and lost.

The existing access arrangements using the easterly driveway access at La Pepiniere would allow access to the agricultural land and there may be scope to create an independent access to the land by demolishing a section of earthbank along the south boundary. It is unlikely that this would result in significant environmental impacts and harm to the character and appearance of the area.

Although the topography of the site is largely flat for agricultural purposes, the domestic site will be separated from the remainder of the agricultural land by a new earthbank, which would run along the existing boundary line adjacent to the property, going from north to south, with the new gate install across the existing entrance to the agricultural land.

The new earthbank boundary will increase the domestic curtilage by 1,350sqm, and the remaining agricultural land would still be approx. 7,768sqm. The agricultural land is connected to other agricultural land within the APA to the south. The realigned boundary is now straight and the odd shaped land to be become domestic is such that the land would not make a positive contribution to the commercial function of the APA and in this instance the change of use of land of agricultural land to domestic garden is accepted.

It is considered that 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 domestic curtilage is considered to be acceptable in this particular location.

Although the site is undeveloped, given its setting, with established site boundaries the proposal would not undermine the wider landscape character or the openness of the area.

In view of the above it is considered that the proposal would accord with the aims of Policy GP1 of the Island Development Plan.

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: 11/05/2022

