

**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 (1,800sqm).

**LOCATION:** Land adjacent to Maison de la Ruche, Les Baissieres, St. Peter Port.

**APPLICANT:** Mr & Mrs G Brown

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:** 15/06/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/02/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Application Block Layout Plan and drawing entitled Maison de la Ruche (formerly El Hogar, Les Baissieres). Letter dated 6 May 2022 from Mr and Mrs Brown and accompanying Application Block Layout Plan received on 10/05/2022.

**Application Ref:** FULL/2022/0405

**Property Ref:** A20960A000

**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.

5.The landscaping plan hereby approved shall be fully completed, in accordance with the phased details set out in the accompanying letter dated 6 May 2022 from Mr and Mrs Brown.

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 the landscaping scheme for the site provides biodiversity enhancements in line with the Strategy for Nature, 2020.

**Expiry Date: This permission will cease to have effect on 14/06/2025 unless development is commenced by that date.**

**ADVICE AND OTHER REMARKS:-**

Please ensure that you notify the Planning Service in writing of the date on which the change of use takes place. Once the change has been made the land will be classified as shown above. Failure to notify the Planning Service as required may lead to delay in any future property search or use class enquiry resulting from incorrect classification of the site.

**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](http://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](mailto: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/2022/0405  
**Property Ref:** A20960A000  
**Valid date:** 16/02/2022  
**Location:** Land adjacent to Maison de la Ruche Les Baissieres St. Peter  
Port Guernsey GY1 2UG  
**Proposal:** Change of use of agricultural land to domestic garden  
(1,800sqm).  
**Applicant:** Mr & Mrs G Brown

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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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.

5. The landscaping plan hereby approved shall be fully completed, in accordance with the phased details set out in the accompanying letter dated 6 May 2022 from Mr and Mrs Brown.

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 the landscaping scheme for the site provides biodiversity enhancements in line with the Strategy for Nature, 2020.

## **INFORMATIVES**

Please ensure that you notify the Planning Service in writing of the date on which the change of use takes place. Once the change has been made the land will be classified as shown above. Failure to notify the Planning Service as required may lead to delay in any future property search or use class enquiry resulting from incorrect classification of the site.

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## **OFFICER'S REPORT**

### **Brief Description of the site:**

The application site is situated to the west of Maison de la Ruche (previously known as El Hogar). The east boundary of the site between the agricultural land and existing garden is largely open, with only a section of hedge adjacent to the detached garage serving the dwelling. The west boundary is marked by evergreen hedgerow and an orchard area exists adjacent to the west boundary. Various trees, a compost and bonfire area are situated in the southern triangular section of the site. Raised beds have been installed to the west of the greenhouse.

The application relates to the change of use of agricultural land to domestic garden and is accompanied by a letter setting out that an organic vegetable garden is proposed which will reduce the need to purchase food from supermarkets (with associated environmental costs). The letter also outlines that fruit trees will be planted to enhance the existing orchard and that raspberry and blackberry bushes will also be planted. The intention is for areas to be kept un-mown and for pockets of wildflower meadows to be provided and for lavender to be planted to attract pollinators to the garden which, in turn, will draw more wildlife to the site. Attention is also drawn to composting on site.

The information provided with the application as originally submitted did not satisfactorily demonstrate that the scheme would provide meaningful biodiversity enhancements and was therefore deferred to enable the matter to be addressed more fully. Further information and plans were received setting out that enhancements proposed have/will be undertaken in phases having regard to the fact that change cannot happen overnight and that there are time and financial constraints to be considered.

#### Stage 1

- Removal of asbestos outbuilding and subsequent hedge planting that has been undertaken. A fence would have provided instant screening but hedge planting has an ecological benefit
- Cuttings will be taken from the hedge plants to bring on and use elsewhere on site
- Laying woodchips, with card not mypex underneath, will, in time, breakdown and allow insects and micro-organisms to thrive whilst managing weed growth
- Two fallen trees with lichen, fungi and other micro-organisms decompose the trees offering nutrients and food for other plants and insects , which in turn become food for other animals
- Additional logs and wood to the area providing a “log/brush pile” will offer a habitat for birds to feed on insects living in the old wood but could also offer nesting sites for birds and bats
- Several fruit trees have been planted in addition to the established orchard on the agricultural land
  - this ensures that habitats are created all around the site and not concentrated in one area
  - the existing orchard was neglected but is now tended and the trees are blossoming
- The walnut tree will, in time, offer a good food source for caterpillars/moths whilst the peach and pear tree are recognised as pollinator plants y RHS (nectar and pollen for bees and other pollinator insects)
- The compost heap is being relocated so composting takes place nearer where it is needed/used – composting of cardboard, green waste and chicken manure (phase 3) will provide a nutrient rich growing medium with zero carbon footprint
- The old compost area will be left as a wild area for insects etc as they will be left undisturbed. During phase 3 the area is planned to be used as a rain pool (or similar)
- Comfrey plants have been planted in the old compost area which will be used as a potassium-rich fertiliser (in lieu of chemical based feeds) for fruiting plants, the purple flower will attract bumble bees who thrive on the flowers
- Raised beds have been formed in the agricultural area establishing a new vegetable garden including raspberries, potatoes, strawberries, squashes, peas, beans, sweetcorn, broccoli, onions, artichokes, lettuces and other greens and asparagus – a number of these produce flowers which attract insects and the area has been interspersed with lavender plants and

marigolds and nasturtiums are in the greenhouse all of which are beneficial to pollinators

- The applicant has a commitment to following the Charles Dowding “no-dig” method of growing as this improves soil structure and integrity with minimal disturbance to the soil for stronger growth to plants, moisture retention and reduces the need for fertilisers and pesticides all of which is beneficial to the insect population and micro-organisms in the soil
- The area will be maintained using organic principles
- Rainwater collected from the roof of the house and outbuildings will be used in the garden ensuring that it is watered by fresh rainwater without the need for tap water which has environmental benefits
- There is a large underground water storage tank within the domestic curtilage from when the site was used for growing and this water can be siphoned using a pump
- This already demonstrates a biodiversity net gain

## Stage 2

- To attract insects an “insect hotel” will be placed on the land and a “ladybird tower” will be purchased for the benefit of ladybirds and mini beasts (to visit and make home)
- A mown pathway would be kept through the orchard to assist with the management of trees and harvesting of fruit without disturbing/trampling insects to achieve this
- Other areas can be left unmown and cut once/twice a year as needed as this will attract pollinators to the garden and surrounding area
- A wildflower area will be planted which would include (not limited to) corn, chamomile, yellow rattle, poppies, corn marigold, bluebells and dandelion
  - this is an extremely valuable habitat, providing floral resources, nesting sites and a protected environment for bee species, moths, butterflies and other insects
  - meadow ecosystems provide food and shelter for birds, bats, small mammals and some amphibians
  - the area can also offer infiltration and filtration of storm water, carbon storage nutrient recycling, soil building
- little progress is expected on the meadow in year 1 because the time will be spent preparing the site, killing off the existing grass and weed seeds (solarisation) before planting the seed mix – germination of wildflower seedlings in spring 2023
- Further fruit tree planting is proposed in 2023, apricot and fig trees already arrived at the site but will not be planted until the type of apple/pear trees in the existing orchard is known in order to establish their best location

## Stage 3

- Will cover 2023 onwards with some enhancements taking place earlier or later

- Sunflowers will be planted annually near the vegetable garden to provide food for birds and pollen for bees and with an added benefit of attracting pollinating insects
- Each year (as is already the case) the seeds will be dried and stored and then used for planting the following year
- Subject to permission a polytunnel will be erected discretely on the site to grow further vegetables and watermelon and with a “hedge veg” stall towards the end of 2023 or in 2024
- This will have a number of benefits which meet the goals of the Strategy for Nature including benefits to the community where local production may be welcomed given the cost of living crisis and the Jersey producer ceasing production, benefits to children who will have enhanced connection and knowledge of nature (education and entrepreneurial benefits) and benefits to the environment by reducing carbon footprint
- A rain pool in the area of the old compost heap will be expanded through the removal of an old burning site representing an environmentally sound way of handling excess water from the site and provide habitat for birds and insects through the placement of logs and granite pieces sourced on site so with no carbon created
- Ducks and pheasants regularly visit the garden at present and it is hoped the pool will attract more wildlife and be of interest to resident hedgehogs
- This forms part of stage 3 (2026) for the safety of the family (unfenced water)
- Hawthorn trees will be used as bird feeding stations (some already in-situ) and the area around these trees is unmown and left undisturbed by the family for the benefit of feeding birds

The site is located Outside of the Centres as designated in the Island Development Plan.

**Relevant History:**

None.

**Existing Use(s):**

01 Dwelling house  
28 Agriculture

**Assessment:** *(Tick as appropriate)*

|                     |                                     |                              |                                     |
|---------------------|-------------------------------------|------------------------------|-------------------------------------|
| no representation   | <input checked="" type="checkbox"/> | visual amenity acceptable    | <input checked="" type="checkbox"/> |
| accords with policy | <input checked="" type="checkbox"/> | no material neighbour impact | <input checked="" type="checkbox"/> |
| within curtilage    | <input type="checkbox"/>            | traffic not affected         | <input checked="" type="checkbox"/> |
| design acceptable   | <input checked="" type="checkbox"/> |                              |                                     |

**Policies considered most relevant:**

Island Development Plan policies:

GP1: Landscape Character and Open Land

GP15: Creation and Extension of Curtilage

OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

**Representation:**

One letter of representation has been submitted and raises the following points:

- Question whether there is a need for the proposed change of use for the owners to do what they wish
- Mention is made to the Strategy for Nature but detail is sketchy – lavender is non-native
- Recommend that advice is sought to identify native plants that would thrive in species rich grassland, a habitat that is under severe threat locally
- Should permission be granted appropriate caveats should be put in place as to the land's future use

La Societe Guernesiaise – are fully satisfied that the applicant is implementing – and pledging to implement – suitable measures to meet the Planning Services requirements in terms of biodiversity. It is a shame that the Griselinia hedging had already gone in but that pre-dated the application and is not related to it.

**Conclusion/Brief comment:**

The area of land is well associated with the existing dwelling, Maison de la Ruche, and is not located within an Agriculture Priority Area or Area of Biodiversity Importance. The outer boundaries of the site are clearly defined. The surrounding land is in separate ownership to Maison de la Ruche and the agricultural land that is the subject of this application and the scheme does not require any established boundary features to be removed in connection with the change of use of land. The land is situated adjacent to Les Baissieres with an evergreen hedge, set back from the roadside bank/boundary.

The Island Development Plan 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 represents the Island's most valuable agricultural area. In this instance, given that the land is outside of the Agriculture Priority Area, 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 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.

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.

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.

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.

The site is largely enclosed and situated amongst residential development. Given the location of the site and its relationship with Maison de la Ruche, is it not considered necessary to remove exemption rights in this case.

In view of the above it is considered that the proposal would accord with the aims of Policy GP1 of the Island Development Plan. It is recommended, therefore, that planning permission is granted for the change of use of land from agriculture to domestic garden.

Although the site is not located in an Area of Biodiversity Importance, in line with the Strategy for Nature, 2020, the change of use of agricultural land to domestic garden must provide meaningful biodiversity enhancements on the land. The application includes a written statement, dated 15 February 2022, to address the Strategy for Nature. As amended, the application provides a carefully considered approach to the management of the site with particular regard to biodiversity enhancements in line with the Strategy for Nature. A planning condition can be imposed relating to the landscaping plan submitted and the phased approach to biodiversity enhancements to ensure the proposed enhancements (those already undertaken cannot be considered as part of the assessment of this application) are carried out.

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.

In view of the above, it is recommended planning permission is granted for the change of use of land proposed.

**Recommendation:**

Grant with Conditions

**Date:** 15 June 2022



