

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 (375sqm). Erect 1.5 storey garage/stable and dower unit to east boundary and relocate shed.

LOCATION: Carraig Mor, Rue Perrot, Forest.

APPLICANT: Mr & Mrs Vaughan

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: 16/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Soup Architects: 090, 095, 100, 110, 120, 300, 310.
Crown Oak: 1 & 2

Application Ref: FULL/2022/0473

Property Ref: H001200000

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 stables hereby permitted shall be used for a purpose personal to the owners/occupiers of the dwelling currently known as Carraig Mor and shall not be used in connection with any livery, schooling or business.

Reason - To define the permission for the avoidance of any doubt and to protect the reasonable amenities of neighbouring residents.

5.No development shall begin on site until details of the proposed location, method of manure storage (covered or open) and disposal (to where and frequency) has been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include details of the proposed manure storage/disposal. This condition is imposed to make sure that the storage of manure does not have an unacceptable adverse impact on the character and appearance of the locality and the amenities of surrounding residents.

6.Prior to the change of use of land to domestic garden being implemented a landscaping scheme, to include full details of biodiversity enhancement planting within the approved domestic garden incorporating planting schedules, noting the species, sizes, numbers and densities of plants, shall be submitted to and approved in writing by the Authority.

Reason - To make sure that an appropriate landscaping scheme that offers meaningful biodiversity enhancements is agreed, and in order to help assimilate the development into its surroundings.

7.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 change of use of land, 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 make sure that an appropriate landscaping scheme that offers meaningful biodiversity enhancements is agreed, and in order to help assimilate the development into its surroundings.

Expiry Date: This permission will cease to have effect on 15/05/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the erection of an outbuilding to be used incidental to the principal dwelling presently known as Carraig Mor. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

Please ensure that you notify the Planning Service in writing of the date on which the change of use of land takes place. Once the change has been made the site 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.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. You are advised to contact the States Vet in relation to the proposed stables hereby approved.

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/2022/0473
Property Ref: H001200000
Valid date: 22/03/2022
Location: Carraig Mor Rue Perrot Forest Guernsey GY8 0EF
Proposal: Change of use of agricultural land to domestic garden (375sqm). Erect 1.5 storey garage/stable and dower unit to east boundary and relocate shed.

Applicant: Mr & Mrs Vaughan

RECOMMENDATION - Grant: Planning Permission with Conditions:

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INFORMATIVES

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would require a separate grant of planning permission and involve different planning policy considerations.

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Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. You are advised to contact the States Vet in relation to the proposed stables hereby approved.

OFFICER'S REPORT

Site Description:

Carraig Mor is a detached bungalow with rooflights serving the roofspace situated on the corner of La Route de Farras and Rue Perrot. The property is set back from La Route de Farras behind established hedge landscaping. Vehicular access is to the rear of the dwelling, via Rue Perrot. The roadside boundaries to the west and south are marked by a bank with trees and hedgerow. The site is quite open and visible from the south, looking north back towards the house.

A timber shed is situated adjacent to the west site boundary and a former packing shed which is white PVCu clad is situated adjacent to the east boundary. There are a number of mature trees across the land to the south of Carraig Mor.

The site is located Outside of the Centres as designated in the Island Development Plan and within the Airport Consultation Zone.

Relevant History:

None recent and relevant.

Existing Use(s):

01 dwellinghouse

28 agriculture

Brief Description of Development:

The application relates to the change of use of part of the agricultural land (once a vinery site) to the south of Carraig Mor, the demolition of the packing shed and the construction of a one and a half-storey timber clad outbuilding comprising a four bay

garage/outbuilding facing Carraig Mor, with an external staircase to the west elevation providing access to the first floor living accommodation. The accommodation incorporates an open plan kitchen/living area, bedroom with ensuite shower room and associated storage. Two stables are proposed to be situated to the rear of the outbuilding facing west and served by an area of hardstanding. The existing timber shed is shown to be repositioned on the site, adjacent to the west boundary.

A supporting letter accompanies the submission and sets out that the 58 sqm compact accommodation contains a single, contained bathroom space and small kitchenette. The accommodation would be used by the son of the applicant, being comfortable for a single occupant. The letter confirms that the accommodation will have shared utilities, paid for by the primary property owners. The change of use of land and proposed garage accommodation increases the availability of on-site parking and turning and would be shared between the main house and dower accommodation. The existing gardens associated with the property will also be shared between the accommodations.

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

Island Development Plan policies:

GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development
GP13: Householder Development
GP15: Creation and Extension of Curtilage
IP9: Highway Safety, Accessibility and Capacity

Representations:

One letter of representation has been submitted raising the following points:

- Questioning whether the application fulfils the policy for dower accommodation
- Does the owner have horses, are the stables necessary, is the concrete base necessary?
- Parking is noted for two extra cars and shows garage facilities, is this correct?
- There is no mention of the Strategy for Nature but reference is made to Ilex Koehneana, a hybrid, and some flowers – does this satisfy the net gain principal and is there a commitment to actually doing it?

Forest Douzaine – object to the loss of agricultural land. This change of use is purely to raise the value of the property.

La Societe Guerneslaise – remain concerned over the change of use of agricultural land to domestic garden however, as the Island Development Plan permits the consideration of such applications La Societe seek to optimise ecological gains.

It is assumed that the applicant propose to extend the domestic curtilage to the red line on the plan and the area marked in blue is to remain as agricultural land. If so, the proposals have submitted biodiversity measures for the retained agricultural area rather than wholly within the domestic curtilage extension. This approach would be supported but more could be done to enhance the land (more than 3-4 Downy Birches). Within the red ine area, the plans simply list four native species and do not provide further details on how these would be introduced and maintained and as such, it is difficult to assess the suitability of the measures.

Consultations:

Office of Environmental Health and Pollution Regulation – do not wish to raise any objections to the proposals. If the proposed stables are to be used to house animals, there may then be animal welfare implications, I would recommend that the States Veterinary Officer is also consulted on the proposals.

Summary of Issues:

The key issues in this case relate to the principle of the proposed change of use of land and the impact of the proposed outbuilding on the character and appearance of the locality and on residential amenity in addition to matters relating to the scale of ancillary accommodation proposed and whether there would be an intensification in the use of the existing vehicular access serving the site.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Change of Use of Land

Although concerns have been raised through the public consultation process regarding the change of use of land, the Island Development Plan does make provision for such proposals and the value of property should the proposal be supported would have no bearing on the consideration of the application. The proposed extent of domestic garden is the area outlined in red on the application drawings. The area outlined in blue is described as agricultural curtilage in the application submission.

The area of land is well associated with the existing dwelling, Carraig Mor, and is not located within an Agriculture Priority Area nor within the Area of Biodiversity Importance. The outer boundaries of the site are clearly defined. The surrounding land is in separate ownership to Carraig Mor and the agricultural land that is the subject of this application. The application does not require any established boundary features to be removed in connection with the change of use of the land. The land is situated adjacent to Rue Perrot with a bank and landscaping along much of the roadside 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 garden 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.

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 having regard to Policy GP1.

As Rue Perrot is situated to the west and south of the site it is not considered necessary to remove exemption rights in relation to the area of land that is the subject of this application.

Although the site is not located in an Area of Biodiversity Importance, in line with the States' Strategy for Nature, 2020, which has been adopted as Supplementary Planning Guidance, the application must be accompanied by information demonstrating environmental benefits in respect of biodiversity that will be incorporated should planning permission be granted. This should relate to biodiversity benefits within the proposed area of domestic garden.

The application drawings show four new trees within the agricultural field and hedge and borders within the domestic garden as proposed. In this case, the extent of proposed domestic garden has been limited in order to facilitate the proposed

development. Although this does not offer significant opportunities for biodiversity enhancements, by retaining the field beyond, the adverse impact of the proposals on the open and undeveloped land beyond has been limited. As such therefore, the scheme accords with the aims of the Strategy for Nature. The comments raised regarding securing biodiversity enhancements have been noted however this is a matter that can be managed by planning condition.

Erect detached garage, stables, ancillary accommodation

Having established that the principle of the change of use of land is acceptable there is scope to erect a detached domestic outbuilding on the site.

The application is for a domestic outbuilding that is stated to be used as a garage, store, stables and ancillary living accommodation. It may however, be used for any other purpose which is incidental to the enjoyment of the dwelling. This may include but is not limited to use as a games room, craft room, storage etc. Any other use (e.g. as a self-contained dwelling unconnected with Carraig Mor) would need to be the subject of a separate application considered against the policies in place at that time. The principle of constructing a domestic outbuilding containing a stables and some ancillary living accommodation is therefore acceptable.

The one and a half-storey building has been designed to be subservient to the main house with a timber clad exterior and slate roof which takes into account the scale of development, predominantly residential, found in the locality. When viewed from the south the building would be viewed in the context of the existing house and from the road to the west as an outbuilding with a rural/agricultural feel given the proposed external timber cladding. The building would not appear as an intrusive form of development out of character with the local built environment. The building represents a good standard of architectural design. The building is shown to be situated adjacent to the east site boundary, away from Rue Perrot, and is broken down into different elements in order to reduce its overall scale and bulk and to limit its impact on the character and appearance of the streetscene.

The proposed building represents a good standard of design that respects the character of the local built environment and which will not result in harm to any open landscape area in accordance with Policies GP8 and GP13 of the Island Development Plan.

The siting and design of the building in relation to the site boundaries and having regard to its relationship with neighbouring properties, associated parking and gardens is such that it will not result in unacceptable overshadowing or loss of light.

Being situated to the southwest of the neighbouring property the outbuilding will not result in overshadowing or loss of sunlight/daylight to the land south of Andros. The first-floor bedroom window in the north elevation would provide views towards the rear of this adjoining dwelling. This area is however, currently given over to parking/turning and whilst the relationship between the two sites would change

there is sufficient distance between the proposed building and neighbouring dwelling to ensure that the potential for overlooking and loss of privacy is kept within acceptable limits in accordance with Policies GP8, GP9 and GP13 of the IDP.

The interrelationship between the ancillary outbuilding and main house is such that the potential for mutual overlooking is not unacceptable and meets the aims of Policies GP8, GP9 and GP13.

The stables are orientated to face into the site and away from the adjoining residential property, Andros. The Office of Environmental Health and Pollution Regulation raise no objections to the proposals. The scheme does not include details relating to the storage and disposal of manure and given the relationship between the stables and adjoining domestic property it is reasonable to impose a condition regarding this matter.

The SLUP acknowledges that there is an aging population on the Island and the need to meet housing requirements to enable people to remain in their own homes for as long as possible. An “additional living unit to be linked to, either physically or through association with, the main dwelling” is one way to manage this situation and dower units may be “acceptable in circumstances where a completely independent unit of accommodation would not”. They can take the form of extensions, conversion of existing or the construction of new outbuildings where they are well related to the principal dwelling. The IDP acknowledges that dowers may aim to offer a degree of independence for members of a shared household, but dower units must not become separated from the principal use of the dwelling as a single household.

Although the planning policies in Planning Advice Note 1: Dower Units - A guide to development have been superseded by those in the Island Development Plan the main principles of the document remain relevant. As dower units are not considered as separate dwellings, the normal requirements regarding access, parking, garden space and level of residential amenity are not applied. A main issue when dealing with proposals for dower units is whether the accommodation to be provided is to remain ancillary or incidental to the occupation of the dwelling.

The Advice Note indicates that if a proposal provides all the facilities for self-contained day to day existence, contains excessive floorspace and/or contains more than one bedroom this would be unlikely to be regarded as a dower unit. The first-floor accommodation contains an open plan living/kitchen area, a bedroom, bathroom and storage. The accommodation with a head height of above 1.5m would be approximately 41.4 sqm which meets the Guernsey Building Control Technical Standards for a dwelling or flat occupied by two people. The bedroom, living accommodation and storage all exceed the Technical Standards (GTS) however, GTS for new residential accommodation do not apply to such proposals.

The Advice Note contains several points which may help establish whether a dower unit would be ancillary or incidental to the main dwelling. At Carrig Mor, matters

relating to shared garden and parking, relationship and connection between the building and main house, relationship between the main house and dower and utilities/service provision have been addressed.

The letter dated 22nd February 2022 from the planning agent confirms the garden and parking will be shared. Although the accommodation will have a separate access the relationship between the accommodation and main house, including direct overlooking of the terrace rear of the main house and mutual overlooking between the two buildings, is such that it could not readily be subdivided and separated. Furthermore, the shared access, parking and minimal change of use of agricultural land to domestic garden demonstrate the close relationship between the two buildings and the scheme satisfies the requirements of Policy GP13 with regard to dower accommodation.

Conclusion

In view of the above it is recommended planning permission is granted for the proposed development incorporating a condition relating to a detailed landscaping scheme for biodiversity enhancements, the storage/disposal of manure given the relationship of the site to neighbouring properties and an informative note relating to the use of the accommodation.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 16 May 2022

