

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 (2,100 sqm) (retrospective).

LOCATION: 10 De Beauvoir Terrace, La Route Des Blanchés, St. Martin.

APPLICANT: Mr & Mrs G & Y Wilkinson

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: 19/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan, Block Layout Plan & Biodiversity Statement dated October 2022.

Application Ref: FULL/2022/0747

Property Ref: J017410000

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.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 or wall (other than any hereby expressly permitted) shall be erected, constructed or placed on any part of the hereby approved extended domestic land.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

3.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of this permission and the Biodiversity Statement dated October 2022, in the first planting season following the grant of this planning permission, 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 positive biodiversity enhancements are provided to address the aims of the Strategy for Nature (2020) Supplementary Planning Guidance.

Expiry Date: This permission will cease to have effect on 18/01/2026 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/2022/0747
Property Ref: J017410000
Valid date: 10/05/2022
Location: 10 De Beauvoir Terrace La Route Des Blanches La Route Des Blanches St. Martin Guernsey GY4 6AG
Proposal: Change of use of agricultural land to domestic garden (2,100 sqm) (retrospective).

Applicant: Mr & Mrs G & Y Wilkinson

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. 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 or wall (other than any hereby expressly permitted) shall be erected, constructed or placed on any part of the hereby approved extended domestic land.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

3. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of this permission and the Biodiversity Statement dated October 2022, in the first planting season following the grant of this planning permission, 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 positive biodiversity enhancements are provided to address the aims of the Strategy for Nature (2020) Supplementary Planning Guidance.

OFFICER'S REPORT

Site Description:

The site consists of a semi-detached dwelling fronting onto La Route de Blanchés with an associated garden approximately 35 metres in length. To the rear (east) of this is a rectangular shaped agricultural field (the subject of this application) which runs along the back of the applicant's and neighbour's dwellings and is accessed via a track to the south from Calais Lane. The agricultural field contains a number of sheds along the south, west and north boundaries. The site is located Outside of the Centres.

Relevant History:

04/03/2022 – PREA/2022/0095 – Pre-application advice regarding the change of use of agricultural land to domestic garden.

Enforcement investigation pending regarding the change of use of agricultural land.

Existing Use(s):

Agricultural use class 28

Residential use class 1: dwelling house

Brief Description of Development:

Retrospective planning permission is requested to change the use of an area of agricultural/undeveloped land measuring approximately 2,100sqm to domestic land in association with the dwelling 10 De Beauvoir Terrace.

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

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

Policy GP1: Landscape Character and Open Land

Policy GP15: Creation and Extension of Curtilage

Representations:

One letter of objection has been received, main points as follows:

- The loss of the field is contrary to the Purposes of the Land Planning and Development (Guernsey) Law 2005, parts (a), (c),(e) and (f).
- The owner does not need this very large area of land to be domestic and it is not reasonable for the owner to have this land as domestic curtilage.
- The distance to and layout of the field relative to the dwelling does not conform to a usual or sensible layout of a domestic garden.
- Measures submitted will not conserve biodiversity.

- The proposal would contribute to increased urbanisation.

Consultations:

None

Summary of Issues:

The main issue in deciding this application is the impact of the development on the openness and landscape character of the area.

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).**

The proposal to extend the domestic curtilage falls to be considered principally under Policies GP15 and GP1 of the Island Development Plan.

The site is not within an Area of Biodiversity Importance or an Agriculture Priority Area. No existing boundaries are proposed to be removed and the proposed use of the land for domestic purposes would have no adverse effects on neighbouring residents.

The land is not visible from La Route De Blanches due to its siting to the rear of a ribbon development of properties which front onto La Route De Blanches. The land bounds a wider area of open undeveloped/agricultural land to the east but it is largely visually separated from this by a well-established earth bank and planting along the east boundary. The east boundary of the land approximately aligns with the boundary of domestic properties to the north and south and could be seen as a continuation of these boundaries. As a result, and provided that the open character of the land is retained, the proposed change of use of the land may not have a significant adverse effect on the landscape character of the area. The majority of the land is in excess of 30 metres from the existing dwelling and would benefit from limited exemption rights. However, to ensure that the open and undeveloped nature of the land is retained, it is recommended that exemptions rights for fencing, walls and gates are revoked. The proposed change of use of the land is unlikely to have a significant adverse effect on the landscape character of the area, in accordance with Policies GP15 and GP1.

Whilst the size and layout of the proposed domestic land is not necessarily proportionate or well-related to the existing dwelling, by virtue of its limited impact on the landscape character of the area and as the proposal accords with Policy GP15

in all other respects, in itself the size and layout of the proposed domestic land alone is not a reason to justify the refusal of the application under Policy GP15.

The Biodiversity Statement demonstrates that consideration has been given to the Strategy for Nature, 2020, which has been adopted as Supplementary Planning Guidance. The scheme satisfactorily shows enhancements to biodiversity that will be incorporated should planning permission be granted and the implementation of this can be controlled by planning 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.

It is recommended that the application is approved.

Date: 17/01/2023

