

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 (2,500sqm).

LOCATION: Laburnum, Les Barras Lane, Vale.

APPLICANT: Mr & Mrs L & M Sebire

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: 10/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Block Layout Plan; Environment Guernsey Biodiversity Statement

Application Ref: FULL/2022/0760

Property Ref: C02313A000

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 landscaping scheme shall be fully completed, in accordance with the details set out in the submitted Biodiversity Statement, in the first planting season following the first use of the land for domestic purposes, 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 10 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 and a soft landscaping scheme in accordance with Policy OC7.

Expiry Date: This permission will cease to have effect on 09/02/2026 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/2022/0760
Property Ref: C02313A000
Valid date: 03/05/2022
Location: Laburnum Les Barras Lane Vale Guernsey GY6 8EW
Proposal: Change of use of agricultural land to domestic garden (2,500sqm).
Applicant: Mr & Mrs L & M Sebire

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 landscaping scheme shall be fully completed, in accordance with the details set out in the submitted Biodiversity Statement, in the first planting season following the first use of the land for domestic purposes, 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 10 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 and a soft landscaping scheme in accordance with Policy OC7.

OFFICER'S REPORT

Site Description:

The application site is located to the south of Les Barras Lane and is bounded by residential properties to the west and south, and across the road to the north-west. To the east, and across the road to the north-east, are former glasshouse sites. The site comprises a detached dwellinghouse set within limited curtilage to the north of the site, with the remainder of the land comprising open grassland, formerly all under glass. Only two spans of glass remain, adjacent to the east boundary. All of the land to the rear of the site is designated as agricultural.

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

Relevant History:

None relevant.

Existing Use(s):

Agricultural use class 28
Residential use class 1

Brief Description of Development:

Permission is requested to change the use of the agricultural land located to the rear of the dwellinghouse, measuring approximately 2,500sqm, to domestic land for use in association with that dwelling.

Following deferral, a biodiversity statement prepared by Environment Guernsey has been submitted. A statement has also been provided noting that the glasshouses are used by the occupier of the dwellinghouse for small scale growing, and requesting that those glasshouses be retained as a minor departure from Plan policy.

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 OC7: Redundant Glasshouse Sites

Policy GP1: Landscape Character and Open Land

Policy GP15: Creation and Extension of Curtilage

Strategy for Nature

Representations:

One letter of representation was received to the application as initially submitted, noting that no biodiversity information has been provided.

In addition, La Société Guernesiaise advised that:

“La Societe remains concerned over the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan currently permits the consideration of such applications, we seek to optimize ecological gains in such cases wherever possible.

We note that the application does not include any biodiversity measures.”

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. The impact of retention of the glasshouses
2. Provision of soft landscape and biodiversity enhancements

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 OC5(B) supports development which would result in the loss of agricultural land where the proposed new use accords with all other relevant policies.

The site retains two spans of glass adjacent to the east boundary and Policy OC7 would therefore be engaged. The site is not located within or adjacent to an Agriculture Priority Area and, taking into consideration the context of this site, it would not positively contribute to a wider area of open land. The proposed use of the land would be for domestic purposes, and would have no adverse effects on neighbouring residents or highway safety and does not propose the introduction of any built form. In respect of soft landscaping, a biodiversity statement has been provided which sets out landscaping enhancements for the site, implementation of which can be controlled by condition.

The proposal would therefore meet all of the requirements of Policy OC7, with the exception of part iv), which requires the demolition and removal from the site of all glasshouses and ancillary structures. In this case, the applicant has stated that the glasshouses are in use for small scale growing by themselves, and has requested that the retention of those glasshouses be considered as a minor departure from Plan policy. Given the proposed use, small scale of the retained glasshouses, and absence of any significant benefits to either landscape character or openness resulting from their demolition, it is considered that the retention of the glasshouses would be acceptable as a minor departure in this case.

In respect of Policies GP1 and GP15, impacts on landscape character, open land, Agriculture Priority Areas, and neighbour amenity are addressed above. The site is not located within an Area of Biodiversity Importance and no changes to the existing boundaries are proposed. The proposal would therefore accord with these policies.

In respect of the Strategy for Nature, as outlined above, a Biodiversity Statement has been provided, setting out appropriate measures for landscape enhancements to the site, which can be controlled by condition.

In the context of this site there is no requirement to remove exemption rights.

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: 07/02/2023