

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 (300sqm).

LOCATION: The Barn, Rue Du Marais, Castel.

APPLICANT: Mrs B Oldfield

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: 31/08/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs 6271/A/1.

Application Ref: FULL/2022/0882

Property Ref: D00421A000

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.Prior to the implementation of the hereby approved change of use of the land, details of the landscaping, including the species, planting spacing shown on a detailed plan shall be submitted to and agreed in writing by the Authority.

Reason - To make sure that a landscaping scheme for the development is agreed, in the interests of biodiversity.

5.The planting of the landscaping scheme shall be fully completed in accordance with the details agreed under the terms of the above condition 4 in the first planting season following the implementation of the change of use of the 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 the agreed landscaping scheme for the development is completed, in the interests of biodiversity.

Expiry Date: This permission will cease to have effect on 30/08/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The outline planting scheme submitted as part of this application recommended the planting of individual trees along each 30m length of the garden and in an open setting, the trees specified could grow relatively large and could take up a large amount, if not all, of the garden space if left as unmanaged trees. It may be more appropriate to consider hedge planting only which would provide more usable

garden area for future occupiers of the dwelling currently known as The Barn. In relation to hedge planting, is recommended that planting density is specified as 4-6 plants per metre, in a double line, and managed as a hedgerow.

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/2022/0882
Property Ref: D00421A000
Valid date: 07/04/2022
Location: The Barn Rue Du Marais Castel Guernsey GY5 7LE
Proposal: Change of use of agricultural land to domestic garden (300sqm).

Applicant: Mrs B Oldfield

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. Prior to the implementation of the hereby approved change of use of the land, details of the landscaping, including the species, planting spacing shown on a detailed plan shall be submitted to and agreed in writing by the Authority.

Reason - To make sure that a landscaping scheme for the development is agreed, in the interests of biodiversity.

5. The planting of the landscaping scheme shall be fully completed in accordance with the details agreed under the terms of the above condition 4 in the first planting season following the implementation of the change of use of the 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 the agreed landscaping scheme for the development is completed, in the interests of biodiversity.

INFORMATIVES

The outline planting scheme submitted as part of this application recommended the planting of individual trees along each 30m length of the garden and in an open setting, the trees specified could grow relatively large and could take up a large amount, if not all, of the garden space if left as unmanaged trees. It may be more appropriate to consider hedge planting only which would provide more usable garden area for future occupiers of the dwelling currently known as The Barn. In relation to hedge planting, is recommended that planting density is specified as 4-6 plants per metre, in a double line, and managed as a hedgerow.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'The Barn' is an old barn which was converted into a dwelling in 2005. The property is set back from the road, Rue du Marais, which runs along the south boundary, there is a shed, driveway, parking area and a small front garden in front of the dwelling. The dwelling sits against the eastern boundary, facing west, with a narrow patio area along the western boundary. To the north of the property is a lawned area which is presently classed as agricultural land. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

CURT/2022/0269 – Definition of curtilage – February 2022

Existing Use(s):

Residential use class 1: dwelling house.

Agricultural use class 28: Agriculture.

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☐	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

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

GP1: Landscape Character and Open Land

GP15: Creation and Extension of Curtilage

Conclusion/Brief comment:

This application is for a change of use of agricultural land to domestic garden (300sqm). A short biodiversity statement has been submitted saying that up to 20 small trees will be planted down each side of the garden with native hedge species planted in between the trees.

The property is surrounded by domestic curtilage/gardens to the west, north and east. The only entrance is from the south, past the dwelling, onto Rue du Marais. The landscape character of the area is open grassland, with low boundaries to the east and west and large trees along the north boundary. The site is not located within an Area of Biodiversity Importance, the proposals would not have an unacceptable impact on the landscape character and no boundaries are to be removed or changed.

The only access to the land is to pass directly in front of the dwellings front facade. The proposals are not considered to have any detrimental impacts on neighbour amenity and the site is not located with the Agriculture Priority Area in relation to the commercial use of the land.

Proposals have been submitted to enhance biodiversity of the site and include native shrub species of flowering and fruit bearing species which would support a wide biodiversity range and planting them around the perimeter of the site would likely enhance the biodiversity of the site.

The planting scheme appears to recommend the planting of individual trees along each 30m length of the garden. In an open setting, the trees specified could grow relatively large. As the garden is only 8m wide there could be a risk, if left

unmanaged, for them to take over this part of the proposed garden. Nonetheless, it may be more appropriate to consider this planting to be a hedge only which would see more open garden space retained although the requirement of the Strategy for Nature is to provide enhancements to biodiversity on site and the trees and/or hedges would offer this. In any event, it is appropriate to impose planning conditions relating to a detailed landscaping scheme and its implementation to ensure that meaningful biodiversity enhancements are secured in line with the aims of the Strategy for Nature.

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: 24/08/2022

