

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 curtilage (2,300sqm); remove hedging, erect polytunnel, fruit cages, fencing and compost bins (revised scheme).

LOCATION: Les Caches, Rue Des Caches, St. Pierre Du Bois.

APPLICANT: Mrs A Willment

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: 21/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Direct Architectural Solutions Limited 1427-SK- 20A & 21A.

Application Ref: FULL/2022/1079

Property Ref: F012710000

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 installation of the structures or the use of the land in accordance with the change of use hereby approved, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting within a 4m deep band along the north boundary of the site and additional fruit trees within the site area as shown on the approved drawing (ref 1427-SK-21/A); and
- ii) planting schedules, noting the species, sizes, numbers and densities of plants.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and in accordance with the Strategy for Nature.

5.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 implementation of this 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 make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and in accordance with the Strategy for Nature.

Expiry Date: This permission will cease to have effect on 20/10/2025 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/2022/1079
Property Ref: F012710000
Valid date: 17/06/2022
Location: Les Caches Rue Des Caches St. Pierre Du Bois Guernsey GY7 9SG
Proposal: Change of use of agricultural land to domestic curtilage (2,300sqm); remove hedging, erect polytunnel, fruit cages, fencing and compost bins (revised scheme).
Applicant: Mrs A Willment

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.

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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 installation of the structures or the use of the land in accordance with the change of use hereby approved, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

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Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and in accordance with the Strategy for Nature.

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Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and in accordance with the Strategy for Nature.

OFFICER'S REPORT

Brief Description of the site:

Les Caches comprises a traditional building group, with farmhouse and walled garden, and associated barns and outbuildings. The building group is located within the domestic curtilage in the centre of the site, with the land to the north, east and south of the property classified as agricultural. The site is accessed from Rue des Caches to the east.

The whole of Les Caches house is protected together with several barns and outbuildings. The free-standing greenhouse is not protected.

The site is bounded by the Route de Plaisance along part of the north boundary, and a residential property for the remainder. To the south and east the site is separated from fields by Rue des Caches and Rue des Rondiaux. There are residential properties located to the south-east of the site. The site is bounded by fields to the west.

The site is located to the south of the St Peters Local Centre, with the north-east corner of the site falling within the Local Centre designation, and being identified as Important Open Land. The majority of the property, including the land which forms the subject of this application, however falls Outside of the Centres.

Relevant History:

Various pending applications for work at this property.

Existing Use(s):

Residential Use Class 1
Agricultural Use Class 28

Assessment: *(Tick as appropriate)*

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

Representation:

*La Societe Guernesiais*e 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 mentions biodiversity measures but does not include full details relating to these. Further, as the proposed extension to domestic curtilage is relatively large (2,300sqm), we would request that the plans include biodiversity measures of an adequate scale and extent on order to offset the extension, either within the site itself or elsewhere on the property.

Policies considered most relevant:

GP1 Landscape Character and Open Land
GP5 Protected Buildings
GP8 Design
GP15 Creation and Extension of Curtilage

Conclusion/Brief comment:

The application initially proposed the erection of a polytunnel, fruit cages and compost bins to the north-west of the dwelling. Following review, it was however considered that this work, together with the vegetable garden which has been been

formed on the land, represented domestication of the agricultural land and the application was therefore deferred to include an extension of domestic curtilage, and to incorporate the retrospective removal of hedging and formation of the vegetable garden.

The proposed curtilage extension is limited to the north-west part of the site, between the dwellinghouse and the neighbouring property to the north. The land is set away from any public view points, and further screened by existing planting along the site boundaries. Taking into account this context, the proposed change of use would not have any adverse impact on landscape character or openness, and there would be no requirement for the removal of exemption rights.

The site is not located within an Agriculture Priority Area, or a designated Area of Biodiversity Importance, and the proposal would not result in the loss of established boundary features. It is however noted that hedge planting within the site, and planting along the north boundary, has previously been removed and, in accordance with the SPG Strategy for Nature, additional planting has been requested. The submitted plans indicate an area of tree planting approximately 4m deep along the north boundary, and the notation on the plan refers to a mix of native species including hawthorn, elder and gorse. The planting specification however implies hedge rather than tree planting. Additional fruit tree planting is also proposed within the site. Hedge and tree planting within the indicated planting band along the north boundary, together with the fruit trees indicated, would be adequate to address the requirements for biodiversity enhancement, however the decision should be conditioned to require a detailed plan and implementation within an appropriate timescale.

The proposed change of use would not have any adverse impact on the amenity of adjoining properties, particularly once the indicated planting becomes established.

The structures proposed to be located within the extended curtilage would be set away from the property boundaries and would not be visible in public views. The proposed structures would not therefore have any adverse impact on the character of the area or neighbour amenity.

The proposals would have no adverse impact on the setting of the protected buildings.

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: 20/10/22

