

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 (1,210sqm).

LOCATION: Fourways, Rue D'Aval, Vale.

APPLICANT: Mr & Mrs Underwood

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: 07/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd - 6267/B/1b

Application Ref: FULL/2022/1128

Property Ref: C02520A000

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. Notwithstanding the information shown on the approved plans and prior to the implementation of the permission, full details of the proposed native trees, hedge and wildflower planting setting out planting schedules, noting the species, sizes, numbers and densities of plants shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - To accord with the Strategy for Nature (2020) Supplementary Planning Guidance.

4. 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 hereby approved extension of domestic curtilage being brought into first use. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, 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 biodiversity enhancement planting scheme is carried out in a suitable timeframe in order to accord with the Strategy for Nature (2020) Supplementary Planning Guidance.

Expiry Date: This permission will cease to have effect on 06/12/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Prior to submitting full details of the wildflower meadow as shown on the approved drawings, it is strongly encouraged that you contact La Société Guernesaise for further information on the most appropriate method to maximise biodiversity of the approved area of garden. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

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/2022/1128
Property Ref: C02520A000
Valid date: 23/05/2022
Location: Fourways Rue D'Aval Vale Guernsey GY6 8LD
Proposal: Change of use of agricultural land to domestic garden (1,210sqm).

Applicant: Mr & Mrs Underwood

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.

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Reason - To accord with the Strategy for Nature (2020) Supplementary Planning Guidance.

4. 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 hereby approved extension of domestic curtilage being brought into first use. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, 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 biodiversity enhancement planting scheme is carried out in a suitable timeframe in order to accord with the Strategy for Nature (2020) Supplementary Planning Guidance.

INFORMATIVES

Prior to submitting full details of the wildflower meadow as shown on the approved drawings, it is strongly encouraged that you contact La Société Guernesaise for further information on the most appropriate method to maximise biodiversity of the approved area of garden. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

OFFICER'S REPORT

Site Description:

The application site comprises a detached dwelling-house known as Fourways forms a corner plot between Rue D'Aval and Les Hauts Courtils Lane.

A square-shaped area of agricultural land, the subject of this application, is located to the rear of the dwelling. The land is bounded by mature landscaping along the majority of the north boundary, with post and rail fencing forming the east and south boundaries, and a large blockwork wall to the west of the field backing onto the domestic curtilage of Fourways.

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

Existing Use(s):

Residential – dwelling-house.

Agriculture – agricultural field to rear (east) of dwelling.

Brief Description of Development:

Planning permission is sought to change the use of agricultural land to domestic garden (1,210sqm).

The application was deferred as the proposal did not take into account Supplementary Planning Guidance- Strategy for Nature (2020). It was advised that new native planting be incorporated as part of the scheme.

In response, the agent has amended the drawings on multiple occasions to consider boundary issues as raised by a representation, as well as incorporating native planting in attempt to address the Strategy for Nature (2020).

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

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

GP1: Landscape Character and Open Land

GP15: Creation and Extension of Curtilage

Strategy for Nature (2020) - Supplementary Planning Guidance.

Comments:

La Societe Guernesiaise:

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 would like to highlight that the biodiversity measures lack sufficient details regarding existing and proposed species for this site. Further, we would point out that amenity non-native species of hedging cannot be considered suitable as a biodiversity measure; Griselinia is native to New Zealand and as such hosts a negligible associated biodiversity when planted locally. Neither is the growth particularly suitable for nesting birds. There are a number of native hedging species which could make a positive contribution to the natural environment. With this in mind, we would suggest that this application falls significantly short of the requirements of the Planning Service.

We wish to advise that La Societe would be able to assist with such measures, for example to arrange surveys of the existing site and to provide recommendations on how the land could be enhanced in terms of its ecological value by using appropriate native planting and suitable ongoing maintenance.

La Societe can be contacted by emailing info@societe.org.gg

Representations:

The Authority has received 4 representations from two parties objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Boundary discrepancies.
- Maintenance of proposed boundary hedge.
- Future development of the land.
- Maintenance of wildflower meadow.

- Lack of bio-diversity proposals.
- Private views affected.

Consultations:

None.

Summary of Issues:

- The impact of the development on the landscape character, appearance and openness of the area.
- The impact of the development on neighbour amenity.

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).**

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.

Policy OC5 (B) (Agriculture Outside of the Centres – outside the Agriculture Priority Areas) states that *“Proposals for development which would result in the loss of an existing farmstead, agricultural buildings or land will be supported where the proposed new use accords with the other relevant policies of the Island Development Plan”*. Policies GP1 and GP15 are considered below.

The proposed extension of domestic garden is located to the east of the dwelling. The proposed extension of domestic curtilage is immediately adjacent to Rue D’Aval therefore the proposal has the potential to affect the landscape character of the area and visual amenity. However, when taking into account the mature landscaping which extends along the majority of the north boundary of the site, it is concluded that the site is not overly prominent in public vantage points. Whilst a small proportion of the site is visible in public views, the effect on the openness of the area would be limited given that the backdrop to these views is formed by residential development to the south, and the main house to the west.

In addition, from a spatial perspective, the site forms part of a group of residential properties to the east, south and west, and therefore does not lend itself to contributing to a wider area of open and undeveloped land, nor commercial agricultural use which would be more akin to the Agriculture Priority Areas.

Consequently, the change of use of agricultural land to domestic garden is unlikely to have a significant detrimental effect on the landscape character or openness of the land through the management of the land itself. It is also not considered necessary or reasonable to omit the rights afforded to the householder to carry out future development on the land that could be carried out under the Land Planning and Development (Exemptions) Ordinance, 2007 within the proposed garden extension that would otherwise be exempt, especially as a proportion of the land would extend beyond 30m from the dwelling-house (not including the detached garage) and therefore would automatically require planning permission in its own right in which its effect on visual amenity would be considered. In addition, the property is served by a detached garage/outbuilding therefore any additional garage/outbuilding would also require planning permission under the current Exemptions Ordinance.

The application site is not located within or adjacent to an Area of Biodiversity Importance or Agriculture Priority Area (APA) as defined in the Island Development Plan.

The application is not proposing to remove any established boundary treatments. In light of the amendments secured, additional hedge planting is proposed along the east and south boundaries which will reinforce the demarcation of the site and improve the biodiversity of the land. It is noted on the drawings that the hedges will be offset from the respective boundaries to ensure sufficient room for maintenance. However, due to the limited information set out on the drawing submitted, it is considered reasonable and necessary to attach a condition to require full details of the landscaping scheme to avoid any ambiguity and to ensure it is implemented.

The development proposed is unlikely to cause undue harm to the amenities of neighbouring residents due to the relationship to neighbouring properties by the change of use itself. In addition, the south boundary will incorporate a new hedge planting scheme which will provide a buffer to the neighbouring property to the south.

In response to other points raised in the representations received, boundary issues and ownership issues, private views, are not material planning considerations as defined in The Land Planning and Development (General Provisions) Ordinance, 2007), and any planning permission that might be granted would be without prejudice to the normal legal rights and privileges of third parties.

On this basis, the application is compliant with the relevant Island Development Plan policies, it is therefore recommended that planning permission be granted, subject to conditions.

Date: 30/11/22

