

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 (300 sqm), demolish existing flat roof extensions and outbuildings and extend dwelling, remove hedge, erect garage and alter existing vehicle access (revised scheme).

LOCATION: Le Vicheris, Rue Des Vicheris, St. Pierre Du Bois.

APPLICANT: Mr & Mrs Banks

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: 07/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Evans Architecture: 2114: 03.01D, 03.02C, 03.03D & 03.04
Environment Guernsey: Biodiversity Enhancement Statement, April 2022 and Planting Proposals May 2022.

Application Ref: FULL/2022/1167

Property Ref: F00515A000

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.The surrounding Site of Special Significance shall be protected as stated within the agents letter dated 12/10/22, section 2.

Reason - To ensure the Site of Special Significance surrounding the site is protected during construction.

5.The earth bank along the west boundary of the extended domestic curtilage shall be constructed prior to the first implementation of the change of use of the land hereby approved or prior to the completion of the development, whichever is the sooner.

Reason - To make sure the development takes the form hereby permitted and the completed development does not adversely affect the open landscape character of the area and to ensure domestic uses do not encroach onto the adjoining agricultural land.

6.Notwithstanding the details submitted, details of an agricultural style gate to be installed at the southern end of the west boundary of the extended domestic curtilage shall be submitted to and agreed in writing by the Authority, and the gate shall then be installed in accordance with the approved details prior to the first implementation of the change of use of the land hereby approved or prior to the completion of the development, whichever is the sooner.

Reason - To make sure the development takes the form hereby permitted and the completed development does not adversely affect the open landscape character of the area and to ensure domestic uses do not encroach onto the adjoining agricultural land.

7.The landscaping scheme shall be fully completed, in accordance with the Environment Guernsey Biodiversity Enhancement Statement, April 2022 and Planting Proposals May 2022, in the first planting season following the first implementation of the change of use of the land hereby approved or completion of development whichever is the sooner, 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 - In the interests of visual amenity and biodiversity.

8.Vehicular access shall be maintained at all times through the site to the adjoining agricultural land to the west.

Reason - To ensure that the development does not result in the loss of vehicular access to the adjoining agricultural land.

Expiry Date: This permission will cease to have effect on 06/11/2025 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/2022/1167
Property Ref: F00515A000
Valid date: 29/06/2022
Location: Le Vicheris Rue Des Vicheris St. Pierre Du Bois Guernsey GY7 9HJ
Proposal: Change of use of agricultural land to domestic garden (300 sqm), demolish existing flat roof extensions and outbuildings and extend dwelling, remove hedge, erect garage and alter existing vehicle access (revised scheme).
Applicant: Mr & Mrs Banks

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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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.

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Reason - To ensure that the development does not result in the loss of vehicular access to the adjoining agricultural land.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Les Vicheris' is a mid-20th century bungalow and outbuilding located in the northeast corner of the site. The property is set back from and faces east onto Rue des Vicheris. The site is part domestic curtilage and part agricultural land, the site is surrounded by open fields which are part of a Site of Special Significance. The nearest neighbours are 80m away to the south, and 98m to the north. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

CURT/2021/1777 – Definition of Curtilage – August 2021.

Existing Use(s):

Residential use class 1: dwelling house.
Agricultural use class 28: agriculture.

Assessment: *(Tick as appropriate)*

no representation	☒
accords with policy	☒
within curtilage	☐
design acceptable	☒

visual amenity acceptable	☒
no material neighbour impact	☒
traffic not affected	☒

Policies considered most relevant:

GP1: Landscape Character and Open Land
GP2: Sites of Special Significance
GP8: Design
GP9: Sustainable Development
GP13: Householder Development
GP15: Creation and Extension of Curtilage
OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

Conclusion/Brief comment:

This application is to demolish the rear and side flat roof extensions and the outbuilding and alter and extend the existing dwelling, keeping the same ridge line and creating a flat roof extension across the whole of the rear elevation with a pitched roof extension utilising roughly the same footprint as the existing

outbuilding. Change of use of a section of the agricultural land to domestic curtilage to allow for a terrace and (exempt) swimming pool and finally erect a new detached pitched roof single garage to the south of the main dwelling.

Initially the proposal was to demolish the existing property and rebuild a one and a half storey dwelling and outbuilding, which would have made a much bigger impact on the surrounding rural area. However, the applicants realised the cost implications and have scaled down the proposals.

The proposals are now considered to achieve a good standard of design, using materials which complement the existing materials. The extension will provide adequate levels of sunshine and daylight, and give the occupiers more flexible and adaptable accommodation.

The scale and massing of the new additions are not considered to have a detrimental effect on the character and amenity of the surrounding area, nor will it have any impact on neighbour amenity due to the distance between properties.

Although the proposals are within the property's overall boundary, care must be taken to ensure the surrounding Site of Special Significance will not be affected. A letter from the agent has specified how the applicant is going to protect the SSS during construction. This will be conditioned.

However, part of the application is for a change in use of a section of agricultural land to domestic curtilage, a biodiversity enhancement statement has been submitted with a scheme to improve biodiversity on the site. The suggested biodiversity improvements are likely to benefit the Site of Special Significance, therefore the proposals are considered to comply with Policy GP2.

The site is not within an Agriculture Priority Area, the area of land to change use is 300sqm, which will leave approximately 1633sqm of agricultural land to the west of the domestic curtilage. A low earth bank will denote the boundary between the domestic curtilage and agricultural land, with access to the land along the south boundary.

The change of use would not have an unacceptable detrimental impact on the landscape character, no boundaries are to be touched and there are no nearby neighbours. There would be no unacceptable impacts on biodiversity, as there is a comprehensive planting scheme proposed which would enhance the biodiversity of the area. Therefore, in this instance, the proposals are considered to comply with Policy GP15.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

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: 07/11/2022