

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 (1,593 sq.m.).

LOCATION: Elmside, Retot Lane, Albecq, Castel.

APPLICANT: Mr & Mrs Chick

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: 16/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Sexton Green Ltd = SGL320/01A

Application Ref: FULL/2022/1198

Property Ref: D01093D000

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 landscaping scheme shall be fully completed in accordance with the details hereby approved, 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 15/12/2025 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 Guernesiaise 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.

Please ensure that you notify the Planning Service in writing of the date on which the change of use takes place. Once the change has been made the land will be classified as shown above. Failure to notify the Planning Service as required may lead to delay in any future property search or use class enquiry resulting from incorrect classification of the land.

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/2022/1198
Property Ref: D01093D000
Valid date: 22/06/2022
Location: Elmside Retot Lane Albecq Castel Guernsey GY5 7EG
Proposal: Change of use of agricultural land to domestic garden (1,593 sq.m.).

Applicant: Mr & Mrs Chick

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. The landscaping scheme shall be fully completed in accordance with the details hereby approved, 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 Guernesiaise 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.

Please ensure that you notify the Planning Service in writing of the date on which the change of use takes place. Once the change has been made the land will be classified as shown above. Failure to notify the Planning Service as required may lead to delay in any future property search or use class enquiry resulting from incorrect classification of the land.

OFFICER'S REPORT

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Site Description:

The application site, known as Elmside, comprises a detached dwelling-house which is located to the west of Retot Lane. The property is setback from the road by approximately 65m.

A rectangular shaped area of agricultural land, the subject of this application, is located to the side (south) of the dwelling. The land is bounded by mature landscaping along the majority of the east, south and west boundaries. No noticeable boundary treatment exists between the dwelling and the agricultural land. A glasshouse still stands to the front of the site which was once part of larger span of glass which extended over the neighbouring land to the east. The agricultural land to the south of the dwelling was also part of a larger area of agricultural land which also extended to the east of the site when viewed in light of the 1990 orthophotograph.

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

An area of land to the south of the application site was granted planning permission in 2017 (FULL/2017/1210) to extend the domestic curtilage of a property known as Eastleigh, Retot Lane and to erect post and rail fence.

Existing Use(s):

Residential – dwelling-house.

Agriculture – agricultural field to side (south) of dwelling.

Brief Description of Development:

Planning permission is sought to change the use of agricultural land to domestic garden (1,593sqm).

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

In response, the agent has incorporated additional native planting in attempt to address the Strategy for Nature (2020). The proposal seeks to incorporate a row of native trees to the south and west boundaries. A deep nature shelter belt consisting of under-planting is to be located adjacent to the south boundary together with a 'no mow' area.

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 Guerneslaise – Original comments:

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 includes some biodiversity measures and we support the principles of creating enhanced grassland habitats and undertaking native tree planting.

We would suggest that there are opportunities to achieve greater ecological gains by increasing the proposed number of native trees from just four. Additional fruit trees would also be an option.

In terms of the grassland, we would highlight the need for the cuttings to be removed after each cut and would ask whether the proportion of land given to this new habitat could be increased from the proposed c.15%. For example, the grassland could be extended to encompass the proposed Hawthorn planting along the west side.

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 suitable recommendations on how the land could be enhanced in terms of its ecological value by appropriate native planting and ongoing maintenance.

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

No further comments have been received in relation to the revised scheme.

Representations:

None.

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 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 proposed extension of domestic garden is located to the south of the dwelling and is setback and is well screened in public views. Consequently, the change of use of land would not adversely affect the landscape character or openness of the land through the management of the land itself due to its secluded position.

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.

In addition, from a spatial perspective the agricultural land is bounded by residential properties to the north, south and west of the site and therefore does not lend itself to contributing to a wider area of open and undeveloped land, nor commercial agricultural land having regard to the fact the site is not within the Agriculture Priority Areas.

Whilst the application proposes to remove established boundary planting to the south of the site, the planting will be replaced with native species and will incorporate a mix of trees and shrubs which will have a neutral visual effect. The revised scheme will have a meaningful enhancement to biodiversity through native planting and therefore has taken into account the Strategy for Nature (2020).

It is considered reasonable and necessary to attach a condition to require the landscaping scheme to be 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 landscaping scheme which will provide a buffer to the neighbouring garden to the south.

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: 15/12/22