

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 (521sqm).

LOCATION: Oceana, Route De Carteret, Castel.

APPLICANT: Miss M Morgan

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: 23/08/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Annotated block plan & letter (24/06/22) & biodiversity statement and plan (15/08/22).

Application Ref: FULL/2022/1204

Property Ref: D015500000

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. Prior to the implementation of the hereby approved change of use of the land, details of the wildlife pond to be created, and details of the fruit trees to be planted, including the species, number and size of the trees to be planted, 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.

4. The wildlife pond and planting of the trees shall be fully completed in accordance with the details agreed under the terms of the above condition 3 and the nest boxes shall be installed and the landscaping shall otherwise be completed and managed in accordance with the two letters dated 24/06/22 and 15/08/22 and the plan dated 15/08/22 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 22/08/2025 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/2022/1204
Property Ref: D015500000
Valid date: 24/06/2022
Location: Oceana Route De Carteret Castel Guernsey GY5 7YU
Proposal: Change of use of agricultural land to domestic garden (521sqm).

Applicant: Miss M Morgan

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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originally required to be planted.

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

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Oceana' is a 1970's one and a half storey dwelling with a large single storey extension to the rear. The dwelling is set back from and faces south onto Route de Carteret. There is a neighbouring property to the west, Clos de Salle runs along the eastern boundary and there is a public footpath and playing fields to the north. The property is located in the Cobo Local Centre as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

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:

GP1: Landscape Character and Open Land
GP15: Creation and Extension of Curtilage

Conclusion/Brief comment:

The site is not within an Area of Biodiversity Importance or an Agriculture Priority Area and no changes to the existing boundaries are proposed.

The land bounds a neighbouring dwellings garden to the west and a Clos road to the east. The boundaries are part earthbank and part wall and will not be touched as part of this application.

The land is not visible from Route de Carteret due to its siting to the rear of the ribbon development of properties along the highway. The land is visible from a public footpath to the north and the Clos access road; however, it is partially screened in this view by the mature planting and the boundary wall and would be seen against and in context with the surrounding built development to the west and south. The majority of the land is in excess of 30 metres from the existing dwelling and together with the public footpath to the north, it would benefit from limited exemption rights. The land gives the impression of being associated with adjoining residential development and the proposed change of use of the land is unlikely to have a significant adverse effect on the landscape character of the area, in accordance with Policies GP15 and GP1.

The applicants have had a discussion with La Société Guernesiaise about improving the biodiversity on the land and they have submitted a small biodiversity statement and plan. The enhancements include installing a wildlife pond, installing 2-3 nest boxes, controlling the cutting of the flora, and coppicing the willow tree.

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: 22/08/2022