

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 (2,982 m2).

LOCATION: Maybelle House, (Formerly Ismay Cottage), Rue Des Bordes, St. Saviour.

APPLICANT: Mr & Mrs S & M Le Page

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: 20/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects - 1203_2B; Biodiversity Statement

Application Ref: FULL/2022/1323

Property Ref: E010420000

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 hereby approved biodiversity statement and landscape plan shall be completed prior to the change of use of the land being implemented. 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 ensure that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

Expiry Date: This permission will cease to have effect on 19/10/2025 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/2022/1323
Property Ref: E010420000
Valid date: 23/06/2022
Location: Maybelle House (Formerly Ismay Cottage) Rue Des Bordes St. Saviour Guernsey GY7 9PX
Proposal: Change of use of agricultural land to domestic garden (2,982 m2).
Applicant: Mr & Mrs S & M Le Page

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 hereby approved biodiversity statement and landscape plan shall be completed prior to the change of use of the land being implemented. 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 ensure that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

OFFICER'S REPORT

Site Description:

The property known as 'Maybelle House' is an early 20th century bungalow which is set back from and faces northeast onto Rue des Bordes. There are other large detached properties to the southeast and northwest, with open land across the road to the northeast and open agricultural land (APA) to the southwest beyond the land within the same ownership. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2022/1798 - Infill existing vehicle access to south-east boundary and remove section of earthbank to create new vehicle access to north-east boundary - Pending.

Existing Use(s):

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

Brief Description of Development:

This application was for a change of use of agricultural land to domestic garden (2,982sqm), taking in the whole of the property. Following deferral, the proposal is to square off the curtilage, reducing the area of extension to approximately 925sqm, retaining the land to the rear outside of curtilage.

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

GP1: Landscape Character and Open Land;
GP8: Design;
GP15: Creation and Extension of Curtilage.

Representations:

There has been one letter of representation and the issues are:

- All of the works suggested by the architect's submission can be achieved without a change to the current designated zoning. Therefore there is no reason for the land to be rezoned as domestic curtilage and as such should remain as agricultural.
- It is believed that this is an important area of open land and forms a contiguous area of similar open space with an Agriculture Priority Area running across the southwestern boundary of the property.
- The space is valuable to the rural aspect of the parish, it provides a green corridor and its loss to formalised domestic curtilage would reduce natural habitat and apply additional pressure to wildlife.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

At present only 1,115sqm of the 4,097sqm of land is considered to be domestic curtilage. The initial application requested the remaining land within the same ownership to be changed to domestic curtilage. However, due to the rural nature of the surrounding area, the fact the site adjoins an APA and open land, and that the majority of the proposed works to the land would not require a change of use, the application was deferred.

Initially the deferral requested a biodiversity statement and plan to show what biodiversity enhancements were proposed. The submitted plan & statement showed the southern half of the land planted as a wild flower meadow and some new trees being planted along the southeast boundary. There was also the introduction of an earthbank essentially separating the land in half.

It was then questioned why the southern wild flower meadow section of land was to have a change of use, given the proposed use and segregation of the land. The agent/applicant agreed that this portion of the land could remain agricultural, reducing the projection into the open area, and so the domestic curtilage would be extended to form the northern half of the site, an approximate addition of 925sqm.

The reduced extension would square off the existing curtilage, and would not project into open land. In this location there is no requirement to remove exemption rights. The site is not within an APA or Area of Biodiversity Importance, and the proposal would not result in the loss of any established boundary features. The biodiversity enhancements are considered to be appropriate for the land and rural surrounding area. The proposals are not thought to have any detrimental effects to neighbour amenity.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 14/10/2022