

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 (1,485sqm).

LOCATION: Val d'Orcia, Rue Du Dos D`Ane, Castel.

APPLICANT: Mr & Mrs J Gavey

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 11/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture - 2222-1 02.01A

Application Ref: FULL/2022/1442

Property Ref: D003410000

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 scheme of biodiversity enhancement specified in the hereby approved Biodiversity statement and plan shall be completed in the first planting season following the date of this permission. 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 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/2022/1442
Property Ref: D003410000
Valid date: 11/07/2022
Location: Val d'Orcia Rue Du Dos D`Ane Castel Guernsey GY5 7LA
Proposal: Change of use of agricultural land to domestic garden (1,485sqm).
Applicant: Mr & Mrs J Gavey

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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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 'Val d'Orcia' is a pre-1900's one and a half storey (from the front) and part two and a half storey from the rear dwelling which is set back from and faces south onto Rue du Dos d'Ane. Rue du Gele runs along the east boundary at a lower level because the land falls from the southwest to the north and east. There are neighbouring properties to the north, at a lower level, and to the west and across the road to the south, at a higher level. To the northwest is a wooded area and a 'cliff' face. The property is located Outside of the Centres and is within a Conservation Area as defined in the Island Development Plan.

Relevant History:

FULL/2022/1796 – Remove section of roadside wall and hedge to widen vehicle access – Pending.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This is a retrospective application is for a change of use of 1,485sqm of agricultural land to domestic curtilage.

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

GP1: Landscape Character and Open Land
GP13: Householder Development
GP15: Creation and Extension of Curtilage

Representations:

There have been two letters of representation and the issues are;

- There are concerns over the reclassification of agricultural land to domestic curtilage, hopefully there will be ecological gains
- The proposals under the Strategy for Nature are extremely vague and as for the "net gain" principle they are woefully inadequate. Lavender and Buddleia whilst very good for insects are non-native and do not provide food plants for native fauna.
- The sentence "result in a more regular maintenance of the land than if the land was left as a natural state" shows that there is no understanding of the requirements of the natural world. Unkempt is good. If permission is granted to increase the curtilage then it should be granted with conditions that precludes future development.
- This is one of many applications in the area to subsume agricultural land.

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.

The glasshouses were demolished in 2000/2001 and by 2004 the whole area had been laid to lawn and used as a garden ever since. The new owners of the property are wanting to regularise the use as domestic curtilage.

The IDP sets out that there is support for the loss of an existing farmstead, agricultural building or land where the new use accords with other relevant planning policies in the Island Development Plan. This provides a policy gateway for the change of use proposed.

The area of land is well associated with the existing dwelling, Val d'Orcia and is not located within an Agriculture Priority Area. The west, north and east boundaries of the site are clearly defined and the south boundary abuts the road, Rue du Dos d'Ane, which is a hill falling from west to east. The surrounding land is in separate ownership to Val d'Orcia and the agricultural land that is the subject of this application. The application does not require any established boundary features to be removed in connection with the change of use of the land and the land is not identified as being situated within an Area of Biodiversity Importance. The land is situated adjacent to Rue du Gele but is separated from it by a high granite wall.

The Island Development Plan recognises there is a balance between protecting open and agricultural land and other legitimate uses Outside of the Centres. The designation of the Agriculture Priority Area represents the Island's most valuable agricultural area. In this instance, given that the land is outside of the Agriculture Priority Area, the balance would not be towards protecting this land for agricultural purposes.

With regard to the impact on neighbouring properties, the proposal involves a change of use of an area of land to be included and managed as part of the

residential curtilage and given the location of the land in relation to neighbouring residential properties and that adequate boundary screening separates the land from the neighbouring properties, the proposed change of use would not of itself have an adverse impact on or affect their amenities.

It is considered that the change of use would accord with Policy GP15 a) - e) and provided that the proposal accords with all other relevant policies of the IDP, the principle of change of use to domestic curtilage is considered to be acceptable in this particular location.

Given the established site boundaries the proposal would not undermine the wider landscape character or the openness of the area in accordance with Policy GP1.

As domestic garden normal householder exemption rights would apply and it is reasonable to consider whether it is necessary to remove any householder exemption rights in this case. Given the location of the site amongst other development controlling boundary treatments to the east, west and south would not be appropriate. A fence or wall more than 90cm high along the south boundary would require planning permission in any event. Given the existing buildings on the site any further outbuildings would also require permission. In this case therefore it is not necessary to remove any householder exemption rights in relation to the change of use of land proposed.

The applicants have submitted a management plan to ensure that there will be ecological gains and biodiversity improvements.

In view of the above it is recommended that planning permission is granted for the change of use of land proposed.

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: 03/11/2022

