

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: Erect garden room (outbuilding) to north boundary and erect glasshouse on agricultural land to north of site.

LOCATION: Rossini, La Ferme Es Frases, St. Saviour.

APPLICANT: Mr & Mrs J Newton

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: 29/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne B3-10574-S1- 01, 02, 03, 04, 05 & 06.

Application Ref: FULL/2022/1472

Property Ref: E00174C001+E00174B000

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 glasshouse hereby approved shall be placed or erected on a non-permanent base which does not exceed 10 square metres in area, and the height of the glasshouse shall not exceed 2 metres.

Reason - To ensure that the development is of a suitable limited scale and does not result in permanent development on agricultural land.

5. Notwithstanding the information submitted, a hedge planting scheme, the full details of which including the species, spacing and height of plants shall be submitted to and approved in writing by the Authority beforehand, shall be incorporated to the west of the hereby approved glasshouse on agricultural land. The hedge shall be planted in accordance with the approved details prior to the installation of the glasshouse. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, whilst the glasshouse remains on the land 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 glasshouse is appropriately screened in public views to the west of the application site, is of a suitable hedge species and the hedge is planted prior to the installation of the glasshouse to accord with IDP Policy GP1.

6. This permission is granted solely for the benefit of the applicant and shall not run with the land. When the glasshouse hereby approved ceases to be required by the applicant, the glasshouse hereby permitted and any associated works carried out in connection with its installation shall be removed permanently from the site and the land reinstated to its former condition as agricultural land.

Reason - Given the special circumstances of this case and the minor departure from policy it is considered necessary to control this permission to ensure that the glasshouse is not left in situ on agricultural land when it is no longer required by the

applicant.

7. Notwithstanding the details of the planter bed to be incorporated to the south and east of the garden room, however named, details of the species of plants and planting density shall be submitted to and approved in writing by the Authority. The landscaping shall be planted in accordance with these approved details prior to the garden room being brought into first use. 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 interest of visual amenity and to assimilate the garden room into its surroundings.

Expiry Date: This permission will cease to have effect on 28/12/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed outbuilding to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

In relation to the requirements of condition 5 it is anticipated that a hedge of a native species to Guernsey will be planted thus supporting the Strategy for Nature Supplementary Planning Guidance (July 2020).

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/2022/1472
Property Ref: E00174C001+E00174B000
Valid date: 04/08/2022
Location: Rossini La Ferme Es Frases St. Saviour Guernsey GY7 9FS
Proposal: Erect garden room (outbuilding) to north boundary and erect glasshouse on agricultural land to north of site.
Applicant: Mr & Mrs J Newton

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 glasshouse hereby approved shall be placed or erected on a non-permanent base which does not exceed 10 square metres in area, and the height of the glasshouse shall not exceed 2 metres.

Reason - To ensure that the development is of a suitable limited scale and does not result in permanent development on agricultural land.

5. Notwithstanding the information submitted, a hedge planting scheme, the full details of which including the species, spacing and height of plants shall be submitted to and approved in writing by the Authority beforehand, shall be incorporated to the west of the hereby approved glasshouse on agricultural land. The hedge shall be planted in accordance with the approved details prior to the installation of the glasshouse. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, whilst the glasshouse remains on the land 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.

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Reason - Given the special circumstances of this case and the minor departure from policy it is considered necessary to control this permission to ensure that the glasshouse is not left in situ on agricultural land when it is no longer required by the applicant.

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Reason - in the interest of visual amenity and to assimilate the garden room into its surroundings.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed outbuilding to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

In relation to the requirements of condition 5 it is anticipated that a hedge of a native species to Guernsey will be planted thus supporting the Strategy for Nature Supplementary Planning Guidance (July 2020).

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached dwelling-house located at the end (north) of a small row of houses sited on the former Strawberry Farm site. The site is served by an elongated field to the rear (west) of the dwelling-house bounded by earth and hedgebanks.

Planning permission is sought to erect a garden room (outbuilding) to the front of the dwelling, adjacent to the north boundary. To the rear, permission is sought to erect a glasshouse on agricultural land.

The garden room/outbuilding will serve as a home office, shower room and a guest bedroom. Justification has been submitted as part of the application setting out the chosen location for the structure. Landscaping has also been incorporated as part of the development to assimilate the development into its surroundings.

The agent has requested a minor departure from the Island Development Plan in respect of siting a domestic size glasshouse (approx. 10sqm, and a height of 2m) to be sited on agricultural land. It is noted that the structure will enable small-scale agriculture for domestic use and is not to be used in association for commercial operations. It is noted that the temporary nature of the glasshouse would not prevent the agricultural land's ability to contribute to commercial agriculture in the future should a situation arise.

Relevant History:

Pre-application advice - PREA/2022/0845

Existing Use(s):

Residential – dwelling-house.

Agricultural land – field to the rear (west) of the dwelling-house.

Assessment: *(Tick as appropriate)*

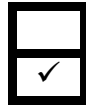
no representation
accords with policy

✓
✓

visual amenity acceptable
no material neighbour impact

✓
✓

within curtilage
design acceptable



traffic not affected



Policies considered most relevant:

GP1	Landscape character and open land
GP8	Design
GP9	Sustainable Development
GP13	Householder Development
OC5(A)	Agriculture Outside of the Centres – Within the Agriculture Priority Areas
OC9	Leisure and Recreation Outside of the Centres

Conclusion/Brief comment:

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.

With regards to the outbuilding to the front of the site, the agent has provided sufficient justification for siting the structure in its proposed location as opposed to locating the structure closer to the house to improve its ancillary relationship. In this instance, the siting is considered to be a reasonable aspiration of the property owner.

The proposal adopts a good standard of design by virtue of its scale, form, massing, and materials as it will be set against the backdrop of the north boundary of the clos. In addition, the proposal is accompanied by a landscaping scheme to the front and side of the structure which will help to 'soften' its appearance.

The distance of the structure from the main dwelling, would not amount to unacceptable harm to the character of the area, visual amenity, or the amenities of neighbouring residents to rebut the general support in favour of householder development (Policy GP13).

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

The application also proposes the erection of a domestic sized glasshouse on agricultural land, adjacent to the north-east boundary of the field. It is intended that the glasshouse would be used for personal use.

The application would comprise the erection of a new glasshouse Outside of the Centres, on agricultural land which is within an Agriculture Priority Area, and the principle of the development would fall to be considered under Policy OC5(A) (Agriculture Outside of the Centres – within the Agriculture Priority Areas).

Policy OC5(A) provides support for development which is related to the agricultural use of an existing farmstead or existing agricultural holding, or where development is proposed which would be ancillary or ordinarily incidental to the principal agricultural use. The land which forms the subject of this application is not in productive agricultural use and is not associated with a farmstead or wider agricultural holding, as defined within the Plan. The proposal is not ancillary or incidental to an existing agricultural use and the erection of a domestic size glasshouse on the land would not meet the terms of Policy OC5(A).

Whilst it was advised to locate the glasshouse within the recognised domestic curtilage as part of the pre-application enquiry, the agent has provided some justification for its siting on agricultural land, noting that the glasshouse within the domestic curtilage would interrupt private views and enjoyment of the external amenity space. In addition, the agent has cited the draft Exemptions Ordinance which is subject to being ratified and enacted by the States, which could allow for a small sized glasshouse on agricultural land, subject to certain criteria being met.

Whilst it is noted that the new Exemptions Ordinance is in draft form, and therefore has no material weight to the decision on this application, policy proposals for an exemption for the erection of temporary polytunnels and temporary glasshouses on agricultural land were considered and agreed by the States in December 2021. The policy proposals indicated that the D&PA was considering allowing as exempt development the erection of one such structure of base area of 10 sq.m., two metres in height and on a non-permanent base.

In this case, the size of the glasshouse is limited, and it would be sited a relatively short distance from the house. The glasshouse would also be set back from public vantage points, and is surrounded by a hedgebank to the north and east of the structure which will help to limit its visual impact.

Provided the glasshouse is sited on an impermanent base, it would be easily removable, and would not prevent the use of the land for commercial agricultural use in the future.

It is also considered necessary and reasonable to require a landscaping scheme to the west of the structure to help assimilate the development in public vantage points in order to ensure a limited visual impact on the wider rural character of the surrounding area (Policy GP1).

Due to the small scale of the proposal, limited visual impact (subject to condition) and intended use of the site, albeit on a domestic scale, it is considered that a minor departure from the Island Development Plan under Section 12 of The Land Planning and Development (General Provisions) Ordinance, 2007, would be justified in this instance. A written request has been submitted by the agent in this respect.

Based on the above, it is recommended that planning permission be granted, subject to conditions.

Recommendation:
Grant with Conditions



Date: 22/12/2022