

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 create additional parking area and communal amenity area, erect fence and gate and associated landscaping (380sqm)

LOCATION: Birklands Vinery, Les Canus, St. Sampson.

APPLICANT: Mr P Gouveia

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: 24/01/2023

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

Drawing Nos: A7 Design 20-1239-P2 PD/01A.

Application Ref: FULL/2022/1485

Property Ref: B01409A000

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 hereby approved shall be fully completed in the first planting season following the 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 supplementary planning guidance given the retrospective nature of the application.

6.The parking spaces hereby approved shall only be used for parking provision and for no other purpose whatsoever.

Reason - To ensure the appropriate provision of parking for the site.

Expiry Date: This permission will cease to have effect on 23/01/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please be aware of the Supplementary Planning Guidance note: Strategy for Nature, 2020 which can be found at www.gov.gg/planningpolicy. In line with this guidance, The Development & Planning Authority would encourage you to consider enhancing the biodiversity of the application site, for instance through the planting of native plants, introduction of animal habitats etc. You are advised to contact La Société Guernesiaise for further information on the most appropriate method to maximise biodiversity of the land the subject of this application. La Société can be contacted on

07781 166924 or email societe@cwgsy.net.

Notwithstanding the details submitted, it is recommended that the north boundary of the extended curtilage be reinforced with an earthbank or hedge to respect other field boundaries in the surrounding area and to fully take into account the Supplementary Planning Guidance note: Strategy for Nature, 2020.

For the avoidance of doubt, the communal area of garden/landscaping, however named, approved under this application would not benefit from the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007.

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/2022/1485
Property Ref: B01409A000
Valid date: 08/08/2022
Location: Birklands Vinery Les Canus St. Sampson Guernsey GY2 4UJ
Proposal: Change of use of agricultural land to create additional parking area and communal amenity area, erect fence and gate and associated landscaping (380sqm)

Applicant: Mr P Gouveia

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).

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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 supplementary planning guidance given the retrospective nature of the application.

6. The parking spaces hereby approved shall only be used for parking provision and for no other purpose whatsoever.

Reason - To ensure the appropriate provision of parking for the site.

INFORMATIVES

Please be aware of the Supplementary Planning Guidance note: Strategy for Nature, 2020 which can be found at www.gov.gg/planningpolicy. In line with this guidance, The Development & Planning Authority would encourage you to consider enhancing the biodiversity of the application site, for instance through the planting of native plants, introduction of animal habitats etc. You are advised to contact La Société Guernesiaise for further information on the most appropriate method to maximise biodiversity of the land the subject of this application. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

Notwithstanding the details submitted, it is recommended that the north boundary of the extended curtilage be reinforced with an earthbank or hedge to respect other field boundaries in the surrounding area and to fully take into account the Supplementary Planning Guidance note: Strategy for Nature, 2020.

For the avoidance of doubt, the communal area of garden/landscaping, however named, approved under this application would not benefit from the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007.

OFFICER'S REPORT

Site Description:

The application site formerly comprised a redundant vinery situated to the south of Les Canus. The land immediately to the north of the application site, located between the site and Les Canus, has recently been cleared of glass, and the site is bounded to the south by a further vinery site, with residential to the east and fields to the west.

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

Planning permission has been granted in recent years to convert the former packing shed at the site to 3 dwellings with associated landscaping and parking. As set out under the most recent application FULL/2022/1257, works are well advanced on site and the building is regarded as being 'wind and watertight' under Planning Law and therefore the approved residential use is established.

Relevant History:

FULL/2022/1257	Erect single storey extension to south (rear) elevation to Unit 2 and balconies to all elevations of Units 1 & 3.	Granted
FULL/2021/2255	Variations to plans previously approved to convert and extend packing shed to 3 dwellings with associated landscaping and parking - Erect garage/carport to west boundary and resurface service road.	Granted
FULL/2021/0013	Variations to plans previously approved to convert and extend packing shed to 3 dwellings with associated landscaping and parking - increase footprint of Units 1 and 3, alteration to fenestration of unit 2 and alter unit boundary lines.	Granted
FULL/2020/0926	Convert and extend packing shed to 3 dwellings with associated landscaping and parking.	Granted
FULL/2019/0606	Variations to plans previously approved to convert existing outbuilding into two dwellings - erect an attached car port to side (east) elevation and erect a detached 1.5 storey garage/car port with external staircase to west of dwelling.	Granted
FULL/2018/0340	Convert existing outbuilding into two dwellings.	Granted

Existing Use(s):

Residential.

Brief Description of Development:

Planning permission is sought for a change of use of agricultural land to domestic curtilage. The proposed extension of curtilage will serve as an additional parking area and will feature fencing and associated landscaping (380sqm).

The application was deferred to clarify the clearance of glass and ownership of the site.

The agent has clarified the proposal together with the ownership of the site. The agent has confirmed that the land to the north of the proposed change of use is under separate ownership. Consequently, the area of land to the north of the proposed change of use falls outside of the consideration of this application.

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

Representations:

The Authority has received two representations from two parties, including La Societe Guernesiaise objecting to the proposal. Grounds for objection principally relate to the following issues:-

- The use of non-native plant species. All planting should be native species in light of the Strategy for Nature.
- Lack of detailing over the proposed species for the site.

Further representation has been made in respect of the revised scheme. Grounds for objection principally relate to the following issues:-

- Appropriateness of plant species proposed.

Consultations:

None

Summary of Issues:

- The impact of the development on the landscape character and appearance 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).**

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 an Area of Biodiversity Importance or within an Agriculture Priority Area (APA) as defined in the Island Development Plan.

The application is not proposing to remove any established boundary treatments.

Whilst the extension of curtilage extends to the front of the site and does form part of a wider area of open, agricultural land to the north, when viewed from a spatial analysis perspective, the size of the extension of curtilage is limited and is sufficiently setback from Les Canus and therefore would not provide sufficient grounds to refuse the application. In addition, the backdrop of the proposed extension of curtilage when viewed from Les Canus is formed by the 3 dwellings and therefore would not contribute to a wider area of open land to the south.

Whilst some concerns are raised over the appropriateness of the proposed 1.5m high post and rail fence between the extension of curtilage and agricultural land to the north, it would be unreasonable to refuse permission, or to omit the proposed fence by condition for other alternative boundary treatment given that the effect on the landscape character and visual amenity is likely to be limited when viewed from Les Canus. It is however recommended that an informative be attached to the decision to suggest that a more traditional boundary treatment be incorporated, such as a earthbank or hedge, to enhance the design of the scheme and to better respect field boundaries in the surrounding area.

There would also be no requirement to restrict the exemption rights afforded to the householder(s) to manage future development of the extension of curtilage given that no exemptions would apply to the communal area of garden/landscaping, however named, as this would be outside of the domestic curtilage associated with the dwellings. The only area of land which is identified in the submitted material as relating specifically to a particular dwelling would be that occupied by the proposed parking spaces. It is considered reasonable to attach a condition to the permission to ensure that this area is only used for parking provision and for no other purposes, given the extent of hard surfacing at the site that could be used informally as parking provision in time.

The development proposed would not cause undue harm to the amenities of neighbouring residents due to the relationship to neighbouring properties.

The impact on the landscape character and open land has been considered under the provisions contained within Policy GP15. In summary, the change of use alone would not have a significant detrimental impact to the landscape character and open land, and the proposal would not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area. The development is compliant with Policy GP1.

Despite questions being raised over one plant species proposed as highlighted by the representations received, the proposal, overall, has taken into account encouragement of biodiversity for the purposes of the Strategy for Nature (2020)

Supplementary Planning Guidance. Although, it is recommended that an informative be attached to encourage further consideration towards biodiversity enhancements, particularly native plants.

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.

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: 24/01/23

