

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 (1,332sqm).

LOCATION: Lowlands, Rue Du Camp Du Douit, St. Saviour.

APPLICANT: Mr & Mrs 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: 30/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd: 6306/A/1b.

Application Ref: FULL/2022/1660

Property Ref: E011600000

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. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no gate, fence, wall or other means of enclosure (other than any hereby expressly permitted) shall be erected, constructed or placed on any part of the hereby approved extended domestic land.

Reason - In view of the sensitive nature of the site, the erection of such structures as 'exempt development' may have an adverse visual impact. This condition is imposed to make sure that any proposals can be properly considered.

4. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no shed, free standing garage or other outbuilding shall be erected, constructed or placed on any part of the hereby approved extended domestic land.

Reason - In view of the sensitive nature of the site, the erection of such structures as 'exempt development' may have an adverse visual impact. This condition is imposed to make sure that any proposals can be properly considered.

5. The use of the land for domestic purposes shall not commence until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

6. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 5, in the first planting season following the first use of the land for domestic purposes, 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 - In the interests of visual amenity and biodiversity.

Expiry Date: This permission will cease to have effect on 29/01/2026 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/2022/1660
Property Ref: E011600000
Valid date: 12/08/2022
Location: Lowlands Rue Du Camp Du Douit St. Saviour Guernsey GY7 9QW
Proposal: Change of use of agricultural land to domestic garden (1,332sqm).
Applicant: Mr & Mrs 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. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no gate, fence, wall or other means of enclosure (other than any hereby expressly permitted) shall be erected, constructed or placed on any part of the hereby approved extended domestic land.

Reason - In view of the sensitive nature of the site, the erection of such structures as 'exempt development' may have an adverse visual impact. This condition is imposed to make sure that any proposals can be properly considered.

4. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no shed, free standing garage or other outbuilding shall be erected, constructed or placed on any part of the hereby approved extended domestic land.

Reason - In view of the sensitive nature of the site, the erection of such structures as 'exempt development' may have an adverse visual impact. This condition is imposed to make sure that any proposals can be properly considered.

5. The use of the land for domestic purposes shall not commence until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

6. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 5, in the first planting season following the first use of the land for domestic purposes, 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 - In the interests of visual amenity and biodiversity.

OFFICER'S REPORT

Site Description:

The site comprises of a detached dwelling situated to the east of Rue du Camp du Douit and an area of open undeveloped/agricultural land extending to the north of the dwelling along the highway. The site is located Outside of the Centres.

Relevant History:

None

Existing Use(s):

Agriculture use class 28
Residential use class 1

Brief Description of Development:

Planning permission is requested to change the use of an area of agricultural/undeveloped land measuring 1,332sqm to domestic land in association with the dwelling Lowlands.

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

Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

Policy GP1: Landscape Character and Open Land

Policy GP15: Creation and Extension of Curtilage

Representations:

One letter of representation was received on behalf of La Société Guernesiaise which raised concerns about the reclassification of agricultural land to domestic. La Société Guernesiaise advise that they wish to optimise ecological gains and questions why a change of use is required. In addition, it is advised that La Société Guernesiaise have not been consulted about this site, the proposed trees and shrubs were provided for a site in the north of the island however most of the trees and shrubs proposed would be suitable for this location. La Société Guernesiaise support the proposal to plant a native hedge although they advise that if they had been consulted they would have provided further recommendations to enhance biodiversity, for example through the sympathetic management of the existing grassland habitat which could enhance the ecological value of the site.

Consultations:

Constables of St Saviours, 22/09/2022

"The Constables of St Saviours, would have concerns on any property where there is a proposal to extend domestic curtilage to this extent which appears disproportionate for the property size. It is also noted that the property owner could already implement the proposed biodiversity scheme without needing a change of use.

In accordance with GP15 Domestic curtilage (d), we would have concerns that the domestication/suburbanisation of the land would adversely affect the landscape character and openness of the area for example through the introduction of domestic paraphernalia (e.g children play equipment and ornamental landscaping).

Furthermore, Policy GP1 sets out that 'care will be taken to ensure that development does not result in the unnecessary loss of open space or erosion of the character of the particular landscape of the locality concerned' and continues ' that it should be assessed in the wider context rather than in terms of the impact development might have on any individual site'. This area of the parish contains many similar properties.

It is noted that the applicant has demonstrated that the relevant field cannot be used for agricultural or horticultural purposes due to the location of the dourt. However, the same application has also acknowledged that a creation of access could be possible if a culvert was put in place for the same dourt.

Should this application be successful, we would have concerns that a future property developer would then install such a culvert and would be readily able to 'concrete over' the area currently designated horticultural land. Whilst it may be possible to revoke such future rights on the relevant land, we do not believe this would be a strong enough solution for this particular site.

The Douzaine therefore sees no sound reason as to why this land should be rezoned as domestic curtilage and we would ask that the zoning remain as it is currently.

If DPA determine that this land is to be rezoned as domestic curtilage, the Douzaine hereby requests that appropriate restrictions be placed to limit the extent of development on this land for the future”.

Summary of Issues:

The main issue in deciding this application is the impact of the development on the openness and landscape character of the area.

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).**

The proposal to extend the domestic curtilage falls to be considered principally under Policies GP15 and GP1 of the Island Development Plan.

The site is not within an Area of Biodiversity Importance or an Agriculture Priority Area. No removal of the existing boundaries are proposed and the proposed use of the land for domestic purposes would have no adverse effects on neighbouring residents.

The land the subject of this application forms a 50m long boundary with the highway to the west and is prominent in views from the highway. The highway comprises of a narrow semi-rural lane bounded by a mix of undeveloped/agricultural land and residential properties. Well established planting along the east and north boundaries of the land limit views across neighbouring land.

Planning permission was granted in February 2019 (FULL/2018/2754) for the change of use of an extensive area of land for a neighbouring property to the east and

wrapping around and bounding the application site to the north. This previous permission has resulted in the application site and the adjoining land to the east being encircled by residential properties and their associated domestic land. Whilst the use of the land the subject of this application for domestic purposes has the potential to intensify the suburbanisation of the land, to the detriment of the character, appearance and openness of the area, due to the pattern of the built development in the area and the approved use of neighbouring land for domestic purposes, the proposed change of use is unlikely to have a significant additional adverse effect on the landscape character of the area.

However, due to the openness and undeveloped nature of the existing and adjoining land parcels, and to minimise the impact of the change of use on the landscape character of the area, it is recommended that exemption rights for sheds, outbuildings, walls and fences are revoked from the proposed extended domestic land. The proposed change of use of the land accords with Policies GP1 and GP15.

The proposed landscaping scheme including the planting of a mixed hedge along the west boundary and planting 75 trees and shrubs of various species along the north and east boundaries has the potential to enhance biodiversity on the site. Specific planting details can be requested by condition.

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.

It is recommended that the application is approved.

Date: 27/01/2023