

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 from agricultural land to domestic garden (1154 sq.m.), demolish outbuildings, extension, porch, demolish and re-build chimney, erect single storey extension to north-west (rear) elevation, re-render and alterations to fenestration.

LOCATION: Rosendale Cottage, La Planque Lane, St. Martin.

APPLICANT: Miss A Dodd

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: 13/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arctech Architecture - AD-22-1085-02A.

Application Ref: FULL/2022/1664

Property Ref: J007370000

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.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 shall be erected, constructed or placed along the north and west boundaries of the domestic garden hereby approved.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the approved drawing, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, 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 - To help assimilate the development into its surroundings and to ensure biodiversity enhancements are provided in line with the Strategy for Nature SPG.

Expiry Date: This permission will cease to have effect on 12/10/2025 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/2022/1664
Property Ref: J007370000
Valid date: 05/09/2022
Location: Rosendale Cottage La Planque Lane St. Martin Guernsey GY4 6TH
Proposal: Change of use from agricultural land to domestic garden (1154 sq.m.), demolish outbuildings, extension, porch, demolish and re-build chimney, erect single storey extension to north-west (rear) elevation, re-render and alterations to fenestration.
Applicant: Miss A Dodd

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. 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 shall be erected, constructed or placed along the north and west boundaries of the domestic garden hereby approved.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the approved drawing, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, 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 - To help assimilate the development into its surroundings and to ensure biodiversity enhancements are provided in line with the Strategy for Nature SPG.

OFFICER'S REPORT

Site Description:

Rosendale Cottage is a semi-detached dwelling situated to the northwest of La Planque Lane. The property has a double-pile pantile roof and render exterior incorporating a flat roof extension to the rear. To the northwest of the dwelling is a detached monopitched roof outbuilding which contains a WC and washbasin which has been extended, with a pitched roof extension and garage door in the north elevation. To the west of the outbuilding is a paved path and to its east is a large area of hardstanding/patio associated with the cottage. A path is situated centrally in the rear garden of the property leading north and west to a small shed adjacent to the west boundary. The northernmost part of the site is on two levels with an upper area to the east and lower area to the west and with a slope between. In the far northwest corner of the site is a monopitched roof shed/outbuilding containing a wood burning stove, wash basin and cupboard.

Historically, the entire rear of the site was covered in multiple glasshouses, from the immediate north of the garage to the north boundary and including a small span of glass to the immediate east of the garage building. These were falling into disrepair by 1979 and had been removed entirely by 1990.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

The extent of domestic curtilage has been defined as extending to the small timber shed situated adjacent to the west site boundary, between the north and south spans of glass that once existed on site.

Existing Use(s):

01 dwellinghouse
28 agriculture

Brief Description of Development:

The application relates to the demolition of the existing front porch, garage adjacent to the west boundary and rear/northern part of the existing flat roof extension in order to erect a single-storey flat roof extension to the rear of the dwelling, projecting west to be visible at the side of the property and providing a link to a pitched roof extension in the area of the existing garage. The render to the existing property is proposed to be removed to expose the granite exterior and the demolition and replacement of the chimney stack to the western gable is also proposed.

The replacement of the existing roof covering with pantiles to match existing constitutes exempt development that does not require the specific grant of planning permission. Drawing notes refer to new PVCu windows and a new timber framed stable door however these notes appear to relate to the extension and not to the replacement of existing windows and doors in the original house.

Planning permission is also sought for the change of use of agricultural land to domestic garden.

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

Island Development Plan policies:

GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development
GP13: Householder Development

GP15: Creation and Extension of Curtilage

Representations:

One letter of representation has been submitted stating:

Would like to make several observations regarding this application. I would question the statement "Although lawn is a green space it does not support wildlife", manicured lawns are a monoculture but most lawn can be very species rich if allowed to grow and cut occasionally. Hence the "no mow May" initiative. In the Strategy for Nature statement there are a number of errors, black and brown hairstreak butterflies are not present on Guernsey, nor are the Hawthorn Moth, Vapourer and Small Eggar Moths. Dormice are not on Guernsey and nor are Wood Anemones and Wood Sorrel. Reference is made to unacceptable noise in the laudable (audible?) environment, surely this is to be expected in a country area. Another phrase states "shelter, food and plumage"? I would suggest specialist advice needs to be sought. Could not a swimming pond be created instead of a swimming pool, this could have far more benefit to the environment?

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed change of use of land and its impact on the commercial function of the Agriculture Priority Area, the design and appearance of the extensions and other alterations and their effect on the character and appearance of the locality and on the amenities enjoyed by the occupiers of the adjoining dwelling.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

Extensions and alterations to dwellinghouse

The demolition of the modern porch and outbuilding along with the demolition and replacement of the chimney stack and removal of render would not have a detrimental impact on the locality nor the amenities of the occupiers of the adjoining dwelling and are supported by the IDP.

The construction of a single-storey flat roof extension to the rear of the property represents a good standard of design and adopts a somewhat contemporary appearance through the introduction of composite cladding. Although the flat roof extension projects to the side of the property it would be set behind the main façade of the dwelling and would not have an adverse effect on the character and appearance of the rural location. The erection of a pitched roof extension adjacent to the west site boundary would also represent a good standard of design that would respect the local built and open landscapes.

The extension would be set away from the east site boundary with the semi-detached neighbour with a blank flank elevation. The flat roof design and siting of the extension is such that it will not result in unacceptable overshadowing or loss of privacy to the occupiers of the adjoining dwelling. The pitched roof extension is set well away from the residential neighbour to the east and existing/exempt boundary treatment will ensure that the doors to the east of the extension, serving the master bedroom, will not result in unacceptable overlooking or loss of privacy.

With regard to the health and well-being of occupiers of the development, the scheme offers satisfactory levels of sunlight and daylight to the accommodation proposed. Bedroom 4/study would have somewhat constrained outlook and light given that it is north facing and with the wall of the extension to the west and site boundary to the east however, this is to be contained within part of the existing dwelling (east wall retained) and on balance it is not considered that this would represent sufficient grounds alone to warrant the refusal of planning permission.

The scheme appears to offer stepped access to all access doors however, this would still provide access for ambulant disabled and there is sufficient space around the building to provide ramped access if required. The accommodation is on a single level, with no steps internally and incorporating the extension will offer flexible and adaptable accommodation that can respond to the needs of occupiers over time in line with the aims of Policy GP8.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

Change of use of agricultural land to domestic garden

The Strategic Land Use Plan requires a balance to be made between the protection of land for agriculture for the industry's current and future needs and recognising the role it plays in countryside management with ensuring land is available to meet other legitimate development requirements. The Island Development Plan has therefore identified large areas of contiguous agricultural land, and other areas well related to established agricultural operations, which represent Guernsey's most

valuable agricultural land. These have been identified as Agriculture Priority Areas (APA).

Whilst the policy approach is to generally support development for agricultural purposes in the Agriculture Priority Areas, these areas have been broadly drawn and include areas of land and sites which are not currently used for agricultural purposes and could not be expected to contribute positively to commercial agriculture in the future. The Agriculture Priority Areas are not intended to safeguard the land for agricultural use if it is not appropriate or is not required for that use or where the inclusion of an area of land into a larger land parcel for agricultural purposes would have a negative environmental impact. The Island Development Plan policies therefore allow for other forms of development within the identified Agriculture Priority Areas provided that they accord with all the other relevant policies of the Island Development Plan (Policy OC5A).

The area of land is well associated with the existing dwelling, Rosendale and the outer boundaries of the site are clearly defined. The land has been laid to grass since the glasshouses were cleared with no evidence, from aerial photographs, that the land has been used for agricultural purposes since that time, as is the case with the adjoining land to the east, to the rear of frontage residential development in La Planque Lane (although not defined as domestic garden by the Planning Service). The scheme would not require any established boundary features to be removed. The surrounding land is in separate ownership to Rosendale to the agricultural land that is the subject of this application and the land is not identified as being situated within an Area of Biodiversity Importance.

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.

Notwithstanding the above however, the site is located within the APA where for a scheme to be supported it has to be demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or that to do so would result in unacceptable adverse environmental impacts.

The site is substantially flat with a small slope between the higher section to the east and lower area to the west. There is no evidence to indicate that the site does not drain well/suffers from prolonged periods of flooding during the winter months, particularly given the slope and lower lying field to the west of the site.

The application relates to the change of use of an area of land approximately 1154sqm in size which would be sufficient in size to be used for agricultural purposes. Furthermore, there are fields to the north, west and across the road to the south of La Planque Lane however, currently there is no independent access to the

land, with the only access being the 3m wide driveway adjacent to the west site boundary and adjacent to the existing outbuilding/garage. In order to gain an independent access, not across domestic land, it would be necessary to remove trees/hedgerow to the west or north site boundaries and given the mature nature of these site boundaries this would have a detrimental impact on the character of the open landscape concerned and result in adverse environmental impacts. In this case therefore, loss of agricultural land within the APA is accepted.

The change of use would therefore 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 to the rear of the property but with boundaries to the north and east with open and undeveloped land, controlling boundary treatments to these boundaries would be appropriate because a high fence or wall could have an urbanising impact on the rural area. Given the existing buildings on the site and that much of the land would be more than 30m from the dwellinghouse it is not considered necessary to remove exemption rights relating to further built development.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 05 October 2022

