

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 (2,503sqm) (revised scheme).

LOCATION: Janick, Route De La Charruee, Castel.

APPLICANT: Mr & Mrs N & J Vining

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: 25/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Torode Architects: 5076-06B.

Application Ref: FULL/2022/1728

Property Ref: D017260000

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 on or before 31/03/2024.

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. Within three months of the date of this decision, the information specified below shall be 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;
- iii) details of the method of construction of the pond, including its depth; and
- iv) details of the wildflower meadows, including the method of creation and their ongoing management.

Reason - In the interests of visual amenity and biodiversity.

4. The planting, earth bank and pond shall be fully completed/planted in accordance with the approved plan 5076-06B and as per the details agreed under the terms of the above condition 3, in the first planting season following the grant of this decision or by the 31/03/2024. 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 24/04/2026 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/2022/1728
Property Ref: D017260000
Valid date: 20/09/2022
Location: Janick Route De La Charruee Castel Guernsey GY5 7XP
Proposal: Change of use of agricultural land to domestic garden (2,503sqm) (revised scheme).

Applicant: Mr & Mrs N & J Vining

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 on or before 31/03/2024.

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4. The planting, earth bank and pond shall be fully completed/planted in accordance with the approved plan 5076-06B and as per the details agreed under the terms of the above condition 3, in the first planting season following the grant of this decision or by the 31/03/2024. 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 application site contains a former barn which has been converted into a dwelling in the south-east corner and faces onto Route de La Charruee to the south. The remainder of the site, measuring 2,503sqm, is recognised as agricultural land and is laid to grass and gently slopes downwards to the north and north-east. The exterior of the dwelling is a protected building. The site forms the corner of the junction between Route de La Charruee and Ruelle des Forfaitures.

The agricultural land forms part of a larger field which appears to have been subdivided through separate ownership although there is no physical boundary dividing the field. The area is predominantly of a semi-rural character with considerable ribbon developments and pockets of residential properties along Route de La Charruee which are interspersed by undeveloped/agricultural land. Smaller lanes in the area also include ribbon developments of residential properties but they have a higher proportion of undeveloped/agricultural land which gives a more rural feel along the smaller lanes.

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

Relevant History:

23/02/2022 – FULL/2021/1556 – Application refused for the change of use of agricultural land to domestic garden (2,503sqm).

30/03/2015 – FULL/2014/3522 – Permission granted to convert and extend existing barn into dwelling.

Existing Use(s):

Agricultural use class 28
Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to change the use of a parcel of agricultural land measuring 2,503sqm to domestic garden in association with the dwelling Janick.

The application is accompanied by a letter from the applicant which sets out the measures they have undertaken to find someone to use the field for agricultural purposes and 4 letters from potential users of the field setting out the reasons why they are not interested in using the agricultural field. This includes a letter from the President of the Guernsey Farmers Association which advises that given current agricultural practices it is too costly to farm the land effectively and it concludes that the Guernsey Farmers Association has no objections to the change of use of the land from agricultural to domestic.

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

Policy OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas

Policy GP1: Landscape Character and Open Land

Policy GP15: Creation and Extension of Curtilage

Representations:

A representation on behalf of La Société Guernesiaise advises that they remain concerned over the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan currently permits such applications they seek to optimise ecological gains. La Société Guernesiaise question the need for the change of use of the land but accept that the area of land is not viable for commercial agriculture. La Société Guernesiaise welcome the biodiversity measures in principle but request further details to assess the proposal in relation to the extent of the area proposed as domestic land.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are the impact on the landscape character and openness of the area and the loss of agricultural land within an Agriculture Priority 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).**

Planning permission was refused to change the use of this parcel of agricultural land to domestic land in February 2022 (FULL/2021/1556) on account of the impact on

the landscape character and openness of the area and because it had not been demonstrated that the land could not positively contribute to the commercial agricultural use of an Agriculture Priority Area or could not practicably be used for commercial agriculture.

This current application is a resubmission of the previous scheme and includes additional information to demonstrate that the land cannot be used for commercial agriculture and additional biodiversity measures.

The proposal to change the use of the land to a domestic use falls to be considered principally under Policies OC5(A), GP15 and GP1 of the Island Development Plan.

Impact on the landscape character and openness of the area

The land forming the subject of this application is a parcel of undeveloped/agricultural land which slopes gently downwards to the north and north-east and forms the western half of a larger field which appears to have been subdivided through separate ownership although there is no physical boundary dividing the field. By itself and in conjunction with other neighbouring fields, the land forms a break in the ribbon development of properties along the highways. By virtue of the low earth banks bordering the application site to the south and north-east and the relative ground levels of the land and the adjacent highway which enables brief viewpoints over the wall in sections along the west boundary, the land is visible from the public highway to the south, west and north-east, with views extending across the site and across the adjoining undeveloped/agricultural land to the east.

The proposal would in effect close the existing gap between the ribbon development of properties along Route de La Charruee to the east and west and the domestication of this land has the potential to adversely affect the landscape character and openness of the area, for example through the introduction of domestic buildings, structures and paraphernalia. However, the introduction of an earth bank and planting along the north-east boundary would limit public views of this parcel of land from Ruelle Des Forfaitures which would reduce the impact of the change of use of the land on the rural character of Ruelle Des Forfaitures. Provided that open and undeveloped character of the land is maintained, in this respect it is noted that exemption rights would be limited by the siting of the dwelling relative to the highways to the south, west and north, on balance the harm caused by the potential suburbanisation of the land is unlikely to have an unacceptable detrimental impact on the landscape character of the area. The proposal does not conflict with Policies GP15(a) and GP1.

Loss of agricultural land within an Agriculture Priority Area

The information provided with the application indicates that a range of potential agricultural uses and users have been explored but that the land is not suitable for various reasons including the size of the field, the condition of the soil, the depth of the soil, the moisture of the soil, the quality of the grass and the costs involved with preparing the land. In addition, the President of the Guernsey Farmers Association advises that given current agricultural practices it is too costly to farm the land

effectively and concludes that the Guernsey Farmers Association has no objections to the change of use of the land from agricultural to domestic.

The information submitted is sufficient to demonstrate that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area and cannot practicably be used for commercial agriculture within an Agriculture Priority Area. The proposed change of use of the land accords with Policy GP15(c) and OC5(A).

Other Matters

During the course of consideration additional information was submitted regarding the proposed biodiversity enhancements. The additional information includes the planting of 40 trees, the creation of an earth bank, areas of wild flower meadows and a pond. The information submitted is sufficient to demonstrate that the proposed change of use of the land would involve proportionate biodiversity enhancements. Precise details of planting, the construction of the pond and the creation and management of the wild flower meadows can be requested by condition. To ensure that appropriate biodiversity enhancements are achieved in a timely manner, it is recommended that the proposed landscaping scheme is completed by the end of the next planting season, i.e. by 31/03/2024.

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: 20/04/2023