

**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 (128sqm) (revised scheme).

**LOCATION:** La Pointe Farm, Rue Du Lorier, St. Pierre Du Bois.

**APPLICANT:** Mr & Mrs K Gallichan

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:** 13/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Direct Architectural Solutions 1420-BP-01 B.

**Application Ref:** FULL/2022/1800

**Property Ref:** F001370000

**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, details of the hedge to be planted along the earth bank hereby approved shall be submitted to and agreed in writing by the Authority. The details shall include full planting schedules including species, size at the time of planting, number of and/or densities of plants.

Reason - In the interests of visual amenity and biodiversity.

4. The earth bank and hedge shall be fully completed/planted in accordance with the approved plan 1420-BP-01B 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 plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by 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 12/04/2026 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](http://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](mailto: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/2022/1800  
**Property Ref:** F001370000  
**Valid date:** 12/10/2022  
**Location:** La Pointe Farm Rue Du Lorier St. Pierre Du Bois Guernsey  
GY7 9JU  
**Proposal:** Change of use of agricultural land to domestic garden  
(128sqm) (revised scheme).  
  
**Applicant:** Mr & Mrs K Gallichan

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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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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3. Within three months of the date of this decision, details of the hedge to be planted along the earth bank hereby approved shall be submitted to and agreed in writing by the Authority. The details shall include full planting schedules including species, size at the time of planting, number of and/or densities of plants.

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4. The earth bank and hedge shall be fully completed/planted in accordance with the approved plan 1420-BP-01B 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 plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and biodiversity.

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## **OFFICER'S REPORT**

### **Site Description:**

The site comprises of a group of buildings in the south-west corner which includes a traditional two storey dwelling and a series of detached barns and outbuildings which have a variety of uses including self-catering accommodation and stables. To the east and north of this is a large hard surfaced parking area with amenity space to the north and west of the buildings. The entire south-west corner of the site is recognised as forming the curtilage of the dwelling and visitor accommodation uses, amounting to approximately 3,200sqm.

The remainder of the site to the north and east of the domestic land is recognised as agricultural land although along the eastern boundary there is a single storey building which was originally constructed during World War II in connection with a gun battery and is currently unused. The total area of land under the applicant's ownership measures approximately 3.98 hectares.

The site is located to the east of Route des Paysans and bounds La Houquette School to the north. The entire site is situated within an Agriculture Priority Area and is Outside of the Centres.

### **Relevant History:**

27/05/2022 – FULL/2021/2562 – Application refused for the change of use of agricultural land to domestic land (6,000 sqm) and erect earth bank to north-east boundary.

### **Existing Use(s):**

Agricultural use class 28

Residential use class 1: dwelling house

Visitor Economy use class 8: non-serviced visitor accommodation

### **Brief Description of Development:**

Planning permission is requested to change the use of a parcel of agricultural land measuring approximately 128sqm to domestic land associated with the dwelling and self-catering accommodation at La Pointe Farm and includes erecting an earth bank along the north and east boundaries of the extended domestic land.

**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:**

None

**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).**

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.

The site is not within an Area of Biodiversity Importance, no changes to the existing boundaries are proposed and the proposed use of the land for domestic purposes would have no adverse effects on neighbouring residents.

**Impact on the landscape character and openness of the area**

The site is located within the Upland Plateau landscape as identified in Annex V of the Island Development Plan and the character of the area is most akin to the Western Plateau subzone.

The land the subject of this application forms part of a large swathe of open and undeveloped land extending to the east and west and it provides a break in the ribbon development of properties along Route des Paysans. By virtue of the low bank and hedging bordering the application site to the west, the land is visually prominent from the public highway to the west, with views extending across the site and across the adjoining undeveloped/agricultural land to the east. The proposal

comprises of a 2m wide strip of land to the north of the existing domestic curtilage, together with the creation of an earth bank planted with hedging beyond this to form the north boundary of the extended domestic land. By virtue of the limited increase to the domestic land, the proposal would retain the break in the ribbon development of properties along Route des Paysans to the north and south and the earth bank planted with hedging would provide a clearer definition between domestic and agricultural uses. As a result, the proposed change of use of the land is unlikely to have a significant adverse effect on the openness and landscape character of the area, in accordance with Policies GP15 and GP1.

#### Loss of agricultural land within an Agriculture Priority Area

The land forms part of an Agriculture Priority Area. The information submitted by the agent regarding the issues with the use of the agricultural land remain unconvincing, as discussed in detail as part of the previously refused application for the change of use of an area of agricultural land to domestic land measuring 6,000sqm (FULL/2021/2562). However, it is acknowledged that the existing open boundary between the domestic and agricultural uses reduces the potential use of the agricultural land and the creation of a robust physical boundary including an earth bank would increase the potential use of the remaining agricultural land for commercial agricultural purpose. The land in question forms a thin sliver of land and by virtue of its limited size and its relationship with the adjoining domestic land, it is likely to have a limited use for commercial agriculture and the proposal does not amount to a significant loss of agricultural land. The proposal would provide a clearer definition between domestic and agricultural uses and it provides an opportunity to prevent the encroachment of domestic uses onto the remaining agricultural land by the installation of an earth bank to enclose the extended domestic land. The proposal does not conflict with Policies OC5(A), GP15 and GP1 and it is recommended that the application is approved.

The creation of an earth bank planted with a hawthorn hedge would provide proportionate biodiversity enhancements, taking into account the limited area of land involved. However, notwithstanding the agent's comments, the note stating 'Earth bank to be planted with Hawthorn at centres required to form a hedge' lacks precision and no details are provided about the density or size of plants at the time of planting. Precise planting details of the Hawthorn hedge can be requested by condition. To ensure that appropriate biodiversity enhancements are achieved in a timely manner and to enhance the potential use of the remaining agricultural land for commercial agricultural purposes, 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:** 11/04/2023

