

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 (656sqm), remove section of hedge to south-east of site.

LOCATION: Pondarosa, Route Du Camp Du Roi, St. Sampson.

APPLICANT: Mr G Carre

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: 03/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Steve De Vial & Co Ltd: 2022-769-1, -2 & -3.

Application Ref: FULL/2022/1833

Property Ref: B01458A000 + B01462A002

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 information shown on the approved plans and prior to the implementation of the permission, full details of the proposed native trees and any other plants (as indicated in the agent's letter of 29th September 2022), including the species, sizes, numbers and densities of plants shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - To accord with the Strategy for Nature (2020) Supplementary Planning Guidance.

4. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the hereby approved extension of domestic curtilage being brought into first use. 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 ensure that the biodiversity enhancement planting scheme is carried out in a suitable timeframe in order to accord with the Strategy for Nature (2020) Supplementary Planning Guidance.

5. 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 or wall (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.

Expiry Date: This permission will cease to have effect on 02/02/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Prior to submitting full details of native trees and plants as shown on the approved drawings and as indicated in the agent's letter of 29th September 2022, it is strongly encouraged that you contact La Société Guernesaise for further information on the most appropriate native plants to maximise biodiversity of the approved area of garden. La Société can be contacted by emailing info@societe.org.gg

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/2022/1833
Property Ref: B01458A000 + B01462A002
Valid date: 03/10/2022
Location: Pondarosa Route Du Camp Du Roi St. Sampson Guernsey GY2 4XD
Proposal: Change of use of agricultural land to domestic garden (656sqm), remove section of hedge to south-east of site.
Applicant: Mr G Carre

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 information shown on the approved plans and prior to the implementation of the permission, full details of the proposed native trees and any other plants (as indicated in the agent's letter of 29th September 2022), including the species, sizes, numbers and densities of plants shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - To accord with the Strategy for Nature (2020) Supplementary Planning Guidance.

4. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the hereby approved extension of domestic curtilage being brought into first use. 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 ensure that the biodiversity enhancement planting scheme is carried out in a suitable timeframe in order to accord with the Strategy for Nature (2020) Supplementary Planning Guidance.

5. 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 or wall (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.

INFORMATIVES

Prior to submitting full details of native trees and plants as shown on the approved drawings and as indicated in the agent's letter of 29th September 2022, it is strongly encouraged that you contact La Société Guernesiaise for further information on the most appropriate native plants to maximise biodiversity of the approved area of garden. La Société can be contacted by emailing info@societe.org.gg

OFFICER'S REPORT

Brief Description of the site:

The application site comprises of a two-storey detached dwelling situated on the northern side of Route Du Camp Du Roi and forming part of a ribbon development of mainly residential properties along the highway.

To the rear (north-west) of the dwelling is an open field, legally recognised as agricultural land.

The land the subject of this application, provides a visual break between dwellings fronting onto Rue Des Annevilles to the north-west. The site is situated Outside of the Centres as designated in the Island Development Plan.

Planning permission is sought to change the use of agricultural land to domestic garden (656sqm) and to remove section of hedge to south-east of the proposed extension of domestic curtilage.

With regards to neighbouring land that sits immediately to the west of the proposed extension of domestic curtilage, planning permission was granted in 2021 to change the use of agricultural land to domestic garden (2,830 sqm) and to demolish a wall.

Relevant History:

Neighbouring land to the west of Pondarosa FULL/2021/0926 C019270000, C019280000, B01462A001	Change of use of agricultural land to domestic garden (2,830 sqm) and demolish wall.	Granted
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Existing Use(s):

Agricultural use class 28
Residential use class 1

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
✓
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Policies considered most relevant:

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

Strategy for Nature (2020) Supplementary Planning Guidance.

Conclusion/Brief comment:

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.

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

Planning permission was granted to change the use of the adjoining land parcel to the west of the proposed extension of domestic curtilage in 2021. This permission was for an area measuring approximately 2,830 sqm. The area of land backs onto

the west and north boundary of the proposed extension of domestic curtilage and therefore surrounds the proposed parcel of land on two boundaries. The proposed extension of curtilage is adjacent to a dwelling-house to the east of the site known as 'Petite Garenne', although the exact extent of domestic curtilage and/or agricultural land is unclear based on orthophotographs.

The site is not within an Area of Biodiversity Importance or an Agriculture Priority Area.

A section of hedging and fencing is to be removed between the land and the existing dwelling 'Pondarosa' as noted on the agent's drawing. The removal of the hedge is not prominent in public views and its removal would have no significant adverse effects on the landscape character of the area. The removal of the fence would be exempt.

The proposed change of use would not of itself have an adverse impact on or affect the amenities of neighbouring residents.

The land is not visible from Route Du Camp Du Roi due to its siting to the rear of a ribbon development of properties which front onto Route Du Camp Du Roi. Although, the land is visible from Rue Des Annevilles to the north-west across an adjoining field/former horticultural site and it does contribute to openness from this view point. However, the land would be viewed against the backdrop of the ribbon development of properties along Route Du Camp Du Roi and together with the overall pattern of built development in the area and well-established planting along boundaries, the land does not form part of a significant wider area of open land. As noted above, the land would be surrounded by an approved area of domestic curtilage associated with application FULL/2021/0926.

To ensure that the open and undeveloped nature of the land closer to the dwelling is retained in public views from Rue Des Annevilles, it is recommended that exemptions rights for fencing, walls and gates are omitted. This recommendation is similar to a condition applied to application FULL/2021/0926 and therefore is consistent. The proposed change of use of the land is unlikely to have a significant adverse effect on the landscape character of the area, in accordance with Policies GP15 and GP1.

The application has taken into account the Strategy for Nature by virtue of planting native trees along the north, east and south boundaries. Whilst this is sufficient to ensure that the proposal will have a biodiversity improvement, the details submitted are vague and not specific. It is therefore recommended that full details of any native trees and any other plants/bushes (as indicated in the agent's letter of 29th September 2022) are agreed in writing. It is also recommended through an informative that the applicant and/or agent contact La Société Guernesiale for further information on the most appropriate native plants to maximise biodiversity of the approved area of garden.

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.

Recommendation:

Grant with Conditions



Date: 31/01/23