

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 (1,280sqm), install cladding to roof and walls of existing glasshouse/pool house.

LOCATION: Havre Des Fleurs, Roncefer Road, St. Sampson.

APPLICANT: Mr & Mrs Grimwood

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: 16/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: grey bear drawing no: 022-3-304A

Application Ref: FULL/2022/2364

Property Ref: B016280000

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.The bug hotels shall be installed in accordance with the approved plans and retained thereafter.

Reason - In the interests of residential amenity and to provide biodiversity enhancements in line with the Strategy for Nature SPG.

Expiry Date: This permission will cease to have effect on 15/06/2026 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/2022/2364
Property Ref: B016280000
Valid date: 03/01/2023
Location: Havre Des Fleurs Roncefer Road St. Sampson Guernsey GY2 4FP
Proposal: Change of use of agricultural land to domestic garden (1,280sqm), install cladding to roof and walls of existing glasshouse/pool house.
Applicant: Mr & Mrs Grimwood

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.

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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. The bug hotels shall be installed in accordance with the approved plans and retained thereafter.

Reason - In the interests of residential amenity and to provide biodiversity enhancements in line with the Strategy for Nature SPG.

OFFICER'S REPORT

Site Description:

The property known as 'Havre des Fleurs' is an early 20th century bungalow which is set back from and faces west onto Roncefer Road. The site is a corner plot with Rue du Clos running along the north boundary. The site comprises domestic curtilage to the north and agricultural land with the remnants of a glasshouse, now two-thirds is used to house a swimming pool and the far south end as storage. The property is located Outside of the Centres and as defined in the Island Development Plan. The site is known as a Redundant Glasshouse Site.

Relevant History:

FULL/2022/0815 – Demolish chimneys to north and south roof slopes – Approved May 2022.

FULL/2020/1636 – Demolish store and carport, erect single storey extension to north side elevation – Approved October 2020.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This is a retrospective application for a change of use of the agricultural land to domestic garden (1,289sqm), and a new application to install cladding to the roof and walls of the existing glasshouse/pool house.

A pre-application to clad the pool house brought to light that the land was still classed as agricultural land, although having been used as domestic curtilage for many years. The proposed works could not take place unless the land was regularised and the pool house became part of the domestic curtilage.

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

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

OC7: Redundant Glasshouse Sites Outside of the Centres

GP8: Design

GP13: Householder Development

GP15: Creation and Extension of Curtilage

Representations:

There has been one letter of representation and the issues are:

- Losing such an area of open land (1,280sqm) would be contrary to the requirement of protecting open land from development under IDP policy 19.16.4.
- Under IDP 19.6.7 it is not believed that it is a 'reasonable expectation' that such a large area of agricultural land be converted to domestic curtilage. In addition to any currently existing garden, such a large area would be excessive to the needs of one household.
- Although the proposal could be subject to planning conditions aimed at safeguarding wildlife and biodiversity, these conditions typically only last a few years, after which any owner can ignore the conditions and carry out any works to the detriment of wildlife. In the long term this is very likely to lead to the loss of wildlife at the site as the ex-agricultural field becomes standard, poor biodiversity domestic curtilage.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

Up until the early 1990's this site had five glasshouses and the dwelling on site, by 1996 four of those glasshouses were removed, leaving just one, the land has been laid to grass and used as a garden since this date, albeit unlawfully. Around 2000, even though it had been refused by the Authority, a swimming pool was constructed within the last glasshouse and southern section of the glasshouse has been used for storage.

During the research work collated for the new Island Development Plan, the site was classed as a 'Redundant Glasshouse Site', because the site still has a glasshouse but was not registered as using it for agricultural/horticultural purposes.

Any land that had glasshouses on it automatically reverts back to agricultural land once the glasshouses are removed, which is the majority of the land south of the dwelling, including where the glasshouse (pool room) is. The proposals in this application are repairs to the pool room, however, these cannot legally take place unless the pool room is within the domestic curtilage, hence the application.

OC5(B) states that proposals which would result in the loss of agricultural land will be supported where the proposed new use accords with other relevant policies of the Development Plan.

OC7 states that proposals to redevelop redundant glasshouse sites will be supported where the site would not contribute positively to a wider area of open land; the site is surrounded by other detached residential properties with large gardens, not all domestic curtilage, but all laid to lawn. A proposal would also be supported where the proposal is for the change of use of glasshouse land so that it may be incorporated into the curtilage of a building, which it is, see GP15. All the other criteria in the first part of the policy were not applicable, however, there are six more criteria to be complied with in the second part of the policy, as follows:

- There would be no unacceptable adverse effect on the living conditions of neighbouring occupiers including by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit or significant visual intrusion – There would be no detrimental impacts on the neighbours should this application be approved.
- The proposals would not jeopardise highway safety and the free flow of traffic on the adjoining highway – The proposals have nothing to do with highway safety or traffic issues.
- The site will be laid out to achieve the most effective and efficient use of the land and the least negative visual and amenity impacts with buildings, materials, parking, access and open storage areas designed to respect the

character of the area – The layout of the site will remain as existing, nothing is to change physically.

- The proposal includes the demolition and removal from the site of all glasshouses and ancillary structures which are not capable of being used for a use in accordance with the relevant policies of the Island Development Plan.
– The agent sent in a letter requesting a minor departure from this criteria of the policy, because the majority of the glass has already been removed, however, the existing glasshouse is being used as a pool room and storage area. It is not considered good practice to insist upon a building being demolished if the owners are only going to apply for a new building to be constructed in its place. Therefore in this instance it is considered acceptable to approve the minor departure from this criteria of the policy.
- The proposal includes details of an appropriate soft landscaping scheme which will make a positive contribution to the visual quality of the environment and which will sufficiently screen the activities on the site and mitigate impacts. – A Statement for biodiversity enhancement has been submitted as part of the application; and,
- The proposal accords with all relevant policies of the Island Development Plan.

Policy GP15 regarding the creation and extension of domestic curtilage. A proposal to create or extend curtilage will be supported where;

a. it would not have an unacceptable detrimental impact on the landscape character: The proposals would not have an unacceptable impact on the landscape character because there will be no changes in the way the land is being used, other than increased planting, which only enhances the landscape character.

b. it would not have an unacceptable impact on the biodiversity interest of an Area of Biodiversity Importance or, where negative impacts are unavoidable, they can be acceptably mitigated in accordance with a scheme to be agreed with the Authority in accordance with Policy [GP3: Areas of Biodiversity Importance](#): The site is not within or even close to an area of biodiversity interest.

As part of this application the agent and homeowner have submitted a biodiversity statement and amended the drawing to show the biodiversity enhancements that have been and will be achieved within the domestic curtilage. They include a pond, new tree planting, some bug hotels and the continued management of all of the existing planting to continue encouraging biodiversity into the garden.

c. it is demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts: It has not been demonstrated that the land could not positively contribute to the APA.

However, the property is surrounded by other residential properties and is not readily connected to the wider open landscape. The land is relatively small and would not easily be converted back to agriculture land without impacting on the existing biodiversity within the area. On balance the conversion of the land to domestic curtilage is not considered to impact on the amount of land which can positively contribute to the commercial agricultural use in the future.

d. it is demonstrated that it would not involve an unacceptable loss of established boundary features that contribute positively to the character of an area, unless the new or replacement boundary treatment makes an equal or enhanced positive contribution to the character of the area: The proposals do not include any changes to the established boundaries and therefore there would be no loss.

e. it would not adversely affect the reasonable amenities of neighbouring residents: As there are no physical changes to the property or site, it is reasonable to conclude that there would be no impacts on neighbour amenity.

The proposed changes to the roof and walls of the pool room are considered to be acceptable and would not impact on the character and appearance of the surrounding area, nor would they have any detrimental impacts on neighbour amenity.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 13/06/2023