

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 (2,201 sqm).

LOCATION: Connemara, Longue Rue, St. Saviour.

APPLICANT: Miss K Brehaut

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: 04/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Create drawing no: 875-1-002
Biodiversity Statement dated March 2023

Application Ref: FULL/2023/0198

Property Ref: E011580000&E011570000

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 6 months 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 landscaping scheme shall be fully completed, in accordance with the details in the submitted Biodiversity Statement (dated March 2023), by the end of the planting season following the grant of consent (by 31st March 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 - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and ensure the biodiversity improvements are achieved following the change of use of the land.

Expiry Date: This permission will cease to have effect on 03/11/2023 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/2023/0198
Property Ref: E011580000&E011570000
Valid date: 24/01/2023
Location: Connemara Longue Rue St. Saviour Guernsey GY7 9QW
Proposal: Change of use of agricultural land to domestic garden (2,201 sqm).
Applicant: Miss K Brehaut

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 6 months 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 landscaping scheme shall be fully completed, in accordance with the details in the submitted Biodiversity Statement (dated March 2023), by the end of the planting season following the grant of consent (by 31st March 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 - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and ensure the biodiversity improvements are achieved following the change of use of the land.

OFFICER'S REPORT

Site Description:

The former glasshouse site is located at the junction of Longue Rue and Rue des Crabbes in St Saviours. The site is rectangular and enclosed by roads on three sides, with the detached dwelling Connemara and rear garden enclosing the northern boundary of the agricultural land.

The agricultural land is largely overgrown, particularly to the western end, with evidence of the glasshouses remaining. Two accesses appear to exist, one in the south-eastern corner and another towards the northeastern corner of the site.

The site is located Outside the Centre, as designated in the Island Development Plan (IDP). It is also immediately adjacent to the Agricultural Priority Area (APA).

Relevant History:

PREA/2022/0986 – Demolish glasshouse and boiler shed and erect loose horse boxes.

FULL/2020/1004 - Erect storage unit, block up 2no accesses and create new access and parking. Application Refused

Existing Use(s):

28 Agricultural
01 Residential

Brief Description of Development:

The proposal is for the change of use of the agricultural land shown in blue on the plan, to use as residential garden in association with the residential occupation of the dwelling Connemara.

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

GP1- Landscape character
GP8 - Design
GP15 – Creation and extension of curtilage
Strategy for Nature SPG

Representations:

Two letters of representation have been received regarding the application. The main points have been summarised:

- Planning covenant required to ensure that the land can only be planted with native species and treated as a nature reserve in perpetuity.
- Otherwise, the proposal would be contrary to environmental policies of the Law, Strategy for Nature, Strategic Land Use Plan and IDP- GP15 specifically.

- Loss of such a large area of open land to domestic curtilage would be contrary to IDP requirement to protect open land from development, and does not meet 'reasonable balance' required in 19.16.14 of IDP.
- Area to be changed along with existing garden is excessive for one household.
- Planning condition to safeguard biodiversity only last a few years and in the long term this will result in loss of biodiversity.
- Existing garden is sufficient enough to make biodiversity enhancements there without subsuming this land.
- Strategy for Nature has not been fully addressed, and future management should also be considered and conditions on domestic paraphernalia.

The Constables of St Saviours, have also commented on the application and state that:

- Where the glasshouses are removed the land should revert back to agricultural use.
- The further 2201m² of curtilage gained in this application results in a disproportionate residential garden for the property.
- The land forms part of a contiguous area of agricultural land, despite having defined boundaries.
- The removal of the glasshouses could result in an enhancement to the character of the area, but should remain agricultural.
- Should the application be approved, the Douzaine asks that appropriate restrictions be placed to limit the extent of development on this land.

Consultations:

None

Summary of Issues:

The main issues are:

- The principle of development
- The impact on neighbours
- The impact on the character and landscape

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).**

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.

As part of the previous decision (FULL/2020/1004) it was concluded that although there are some remnants of the glasshouses superstructures, there is so little remaining and together with the degree to which the vegetation hides the superstructures and the likelihood that the superstructures would collapse if the vegetation was cleared, it was concluded that the site is not classed as a redundant glasshouse site for the purposes of Policy OC7 (Redundant Glasshouse Sites Outside of the Centres).

Therefore, as a change of use to domestic garden, Policy GP15 applies. This states that the extension of curtilage will be supported where:

- a) It would not have an unacceptable impact on the landscape character
- b) It would not have an unacceptable impact on the biodiversity interest of an Area of Biodiversity Importance.
- c) It is demonstrated that the land cannot positively contribute to the commercial agricultural use of an APA or cannot practicably be used for commercial agriculture within an APA without unacceptable adverse environmental impacts; and,
- d) It is demonstrated that it would not involve an unacceptable loss of established boundary features which contribute positively to the character of an area, unless the new or replacement boundary treatment makes an equal or enhanced contribution to the character of the area
- e) It would not adversely affect the reasonable amenities of neighbours.

The site is not within or adjacent to an area of biodiversity importance and is not within an APA. In light of this, the change of use to residential garden is not considered to have an unacceptable impact on the landscape character as the area of land is bounded by the road on three sides, surrounded by residential development and does not contribute to the wider landscape, and this also limits any harm to neighbouring amenity. The roadside boundary wall will remain and so there is no loss of boundary treatments which contribute positively to local character, in accordance with Policies GP1 and GP15 of the IDP.

Although the site is not located in an Area of Biodiversity Importance, in line with the States' Strategy for Nature, 2020, which has been adopted as Supplementary Planning Guidance, the application must be accompanied by information demonstrating environmental benefits in respect of biodiversity that will be incorporated should planning permission be granted.

The application's biodiversity statement proposes new native hedging along the earthbanks of the south and east boundaries, approx. 20% of the site is to be planted with mixed native trees and shrubs and the remaining area to be sown as grassland. These proposals can be secured by condition and therefore the scheme accords with the aims of the Strategy for Nature. Although there will be a short-term loss of

biodiversity while the site is cleared, the condition to secure the proposed landscaping will secure a long-term improvement in biodiversity.

The conditions include a condition limiting the period within which the development may be commenced and the landscaping works proposed will be conditioned to be completed by the end of the planting season which follows the grant of permission, in this case 31st March 2024. This is to ensure that the biodiversity enhancements approved as part of the application are carried out within a reasonable amount of time after the implementation of the change of use which is considered to occur in practical terms immediately after the grant of permission.

The impact on neighbours is limited due to the position of the site, enclosed by roads. The use of the land as garden is not considered to be any more harmful to neighbours than the existing agricultural use in terms of the potential for noise or disturbance.

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.

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

Date: 02/05/2023

