

**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 (430 sq.m.) and erect outbuilding/summerhouse.

**LOCATION:** Vue Des Rochers, La Ruelle Du Frocq, Castel.

**APPLICANT:** Mr S R Le Tissier

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:** 21/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Application Block Plans (date stamped 07/02/2023 & 18/04/2023); The Jacob woodlands log cabin details; Bee block details; Letters dated 26/02/2023 & 15/04/2023.

**Application Ref:** FULL/2023/0215

**Property Ref:** D01260B000

**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 landscaping scheme shall be fully completed in accordance with the details set out in the letters dated 26/02/2023 and 15/04/2023 and the approved plans, in the first planting season following the date of this decision, or by the 31/03/2024. The land shall thereafter be managed in accordance with those approved documents and 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 appropriate soft landscaping and biodiversity enhancements are provided in accordance with Policy OC7 (Redundant Glasshouse Sites) and the Strategy for Nature.

5.Prior to the 31/03/2024 the existing glasshouse shall be demolished and all ancillary materials, works and structures shall be removed from the site.

To make sure the development takes the form hereby permitted and to ensure the clearance of the glasshouse in accordance with Policy OC7.

**Expiry Date: This permission will cease to have effect on 20/04/2026 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/2023/0215  
**Property Ref:** D01260B000  
**Valid date:** 07/02/2023  
**Location:** Vue Des Rochers La Ruelle Du Frocq Castel Guernsey GY5 7PN  
**Proposal:** Change of use of agricultural land to domestic garden (430 sq.m.) and erect outbuilding/summerhouse.  
  
**Applicant:** Mr S R Le Tissier

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

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the first planting season following the date of this decision, or by the 31/03/2024. The land shall thereafter be managed in accordance with those approved documents and 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.

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## **OFFICER'S REPORT**

### **Site Description:**

The application site is located to the north of Ruelle Du Frocq and is bounded by a residential property to the west and agricultural land to the north, east and across the road to the south. Scattered residential properties are located to the north-east and south-east.

The site comprises a detached dwellinghouse set within the domestic curtilage to the south of the site, with the remainder of the land comprising agricultural land, supporting the southern end of a former glasshouse.

The site is located Outside of the Centres in the Island Development Plan.

### **Relevant History:**

None relevant.

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

Agricultural use class 28  
Residential use class 1

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

Permission is requested to change the use of the agricultural land located to the rear of the dwellinghouse, measuring approximately 430sqm, to domestic land for use in

association with that dwelling. As part of the application it is proposed to demolish the remaining section of glass and to erect an outbuilding/summerhouse on the footprint.

Following deferral, additional information has been provided in respect of wildflower and other planting.

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

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

OC7 Redundant Glasshouse Sites

GP1 Landscape Character and Open Land

GP8 Design

GP9 Sustainable Development

GP13 Householder Development

GP15 Creation and Extension of Curtilage

Strategy for Nature

**Representations:**

One letter of representation was received to the application as initially submitted, noting that no information had been provided with respect to the Strategy for Nature.

**Consultations:**

None

**Summary of Issues:**

The main issues in deciding this application are provision of soft landscape and biodiversity enhancements.

**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).**

Policy OC5(B) supports development which would result in the loss of agricultural land where the proposed new use accords with all other relevant policies.

The site retains a small section of the former glasshouse at the site and Policy OC7 would therefore be engaged. The site is not located within or adjacent to an Agriculture Priority Area and, taking into consideration the context of this site, it would not make a significant contribution to a wider area of open land. The

proposed use of the land would be for domestic purposes, the remaining section of glass would be removed and the proposal would have no adverse effects on neighbouring residents or highway safety. To ensure that the glasshouse is removed, in accordance with the requirements of this policy, it is recommended that the decision be conditioned to require removal within the timeframe as the landscaping implementation.

In respect of soft landscaping, additional information has been provided explaining that wildflower areas have been established to the rear of the site, and it is proposed to extend those areas and to plant three additional fruit trees. A further area is to be managed to allow grass to reach maturity and the north and east hedgerows are to be managed naturally and/or to incorporate wildflowers. A bird bath has been provided and a bee block and bird boxes are to be attached to the proposed summerhouse. Given the size of the area of land in question, the established nature of the site boundaries and number of trees around the periphery of the site, and therefore the limited opportunities for further biodiversity enhancements, the proposed enhancements are considered to address the policy requirements in this case. Implementation of these enhancements should however be controlled by condition, to ensure that the works occur in the first planting season following the date of this decision, in this case the 31/03/2024.

In light of the above, the proposal would therefore meet all of the requirements of Policy OC7.

In respect of Policies GP1 and GP15, impacts on landscape character, open land, Agriculture Priority Areas, and neighbour amenity are addressed above. The site is not located within an Area of Biodiversity Importance and no changes to the existing boundaries are proposed. The proposal would therefore accord with these policies.

In respect of the Strategy for Nature, as outlined above, the amended application includes appropriate and adequate measures for landscape enhancements to the site, which can be controlled by condition.

In the context of this site there is no requirement to remove exemption rights.

The proposed summerhouse would be located within the extended curtilage, on the footprint of the remaining glass and, set to the rear of the dwelling and away from the site boundaries, would have no adverse impacts and would accord with Policies GP8, GP9 and GP13.

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:** 21/04/2023

