

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 from agricultural land to domestic garden (352 sq.m.).

LOCATION: Land to rear of, Chez Nous, Rue De La Mare, Castel.

APPLICANT: Mr P A Baldock

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: 11/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Site Location Plan (received 06/04/2023);
Application Block Layout Plan (received 26/01/2023);
Landscape Plan (received 06/10/2023).

Application Ref: FULL/2023/0218

Property Ref: D01041A000

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.Details of the sizes, numbers and densities of plants to be used within the hedging along the south and west boundaries of the extended curtilage hereby approved shall be submitted to and agreed in writing by the Authority by 31/12/2024.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to meet the requirements of the Strategy for Nature.

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of this application and the above condition, by the 31 March 2025. 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, to help assimilate the development into its surroundings and to meet the requirements of the Strategy for Nature.

Expiry Date: This permission will cease to have effect on 10/10/2026 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/2023/0218
Property Ref: D01041A000
Valid date: 26/01/2023
Location: Land to rear of Chez Nous Rue De La Mare Castel Guernsey
GY5 7BH
Proposal: Change of use from agricultural land to domestic garden (352
sq.m.).

Applicant: Mr P A Baldock

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. 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. Details of the sizes, numbers and densities of plants to be used within the hedging along the south and west boundaries of the extended curtilage hereby approved shall be submitted to and agreed in writing by the Authority by 31/12/2024.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to meet the requirements of the Strategy for Nature.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of this application and the above condition, by the 31 March 2025. 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, to help assimilate the development into its surroundings and to meet the requirements of the Strategy for Nature.

OFFICER'S REPORT

Brief Description of the site:

The application site relates to an existing dwellinghouse, known as Chez Nous, and adjacent agricultural land located to the west of Route de la Mare. The dwellinghouse and land are bounded by residential properties to the south and across the road to the east, and a religious building to the north. The agricultural land is located behind the roadside dwellinghouse and abuts further agricultural land to the west.

The agricultural land was formerly under glass and it appears likely was in use with the glasshouses on the adjacent land to the west. The superstructure of the glasshouses across both sites, excluding the walls/footings, was however removed in the late 1990s/early 2000s. Whilst there are further, existing, glasshouses to the north-west, these are under separate ownership and it is not evident that these formed part of the same site. The site would not therefore meet the definition for a Redundant Glasshouse Site as set out within the Island Development Plan and associated Supplementary Planning Guidance.

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

Relevant History:

None.

Existing Use(s):

Residential Use Class 1
Agricultural Use Class 28

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:

OC5(B) Agriculture Outside of the Centres – outside the Agriculture Priority Areas
GP1 Landscape Character and Open Land
GP8 Design
GP9 Sustainable Development
GP15 Creation and Extension of Curtilage

Strategy for Nature

Representation:

La Societe remains concerned over the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan currently permits the consideration of such applications, we seek to optimize ecological gains in such cases wherever possible.

Whilst the proposals refers to the Strategy for Nature (2020), which we welcome, they do not include specific biodiversity measures as required by Planning. As such we cannot determine if a net biodiversity gain would be achieved under the plans.

Conclusion/Brief comment:

Permission is requested to change the use of part of the agricultural land located to the rear of the dwellinghouse, measuring approximately 352sqm, to domestic land for use in association with that dwelling.

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 proposal comprises the change of use of a small area of land, located to the rear of the roadside development, and not projecting beyond the development to the north or further to the south of the site. Whilst located adjacent to a wider area of

open land, the area in question is peripheral to that land and is of limited visibility in public views. Taking into consideration the context of this site, the change of use would not have a significant impact on landscape character or openness.

The site is not located within or adjacent to an Area of Biodiversity Importance or an Agriculture Priority Area. There is currently a low concrete wall between the existing and proposed curtilages, and that is to be substantially retained as part of the application with pedestrian accesses formed to the extended curtilage. The proposed use of the land would be for domestic purposes, and, taking into account the proposed use and the relationship to surrounding residential property, the proposal would have no adverse effects on neighbouring residents.

In respect of the Strategy for Nature, the revised information proposes the planting of hedging along the west and south boundaries of the extended curtilage, comprising a mix of Hawthorn, Blackthorn, Hazel and Elder. A pollinator patch is to be formed in the north-west corner and “rewilding” is to be generally undertaken across the extended curtilage. This work would provide an appropriate level of enhancement in the context of this application and would provide suitable division to the agricultural land. In the circumstances of this application a landscape management plan would not be required.

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

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.

Recommendation:

Grant with Conditions



Date: 10/10/2023

