

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 curtilage (1104 sq.m.).

LOCATION: Richmond Farm, The Dunes, Vazon, Castel.

APPLICANT: Mr & Mrs D Higgs

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: 15/12/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services - 6149/C/1b.

Application Ref: FULL/2023/0258

Property Ref: D00591A000

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 plan, within one month of the date of this permission details of the biodiversity landscaping scheme set out on Drawing No. 6149/C/1b, including full details of tree, hedge, and wildflower planting, setting out planting schedules, noting the species, sizes, numbers and densities of plants, and grass seed species, shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - To ensure that the planting scheme is appropriate and is carried out in a suitable timeframe in order to accord with the Strategy for Nature - Supplementary Planning Guidance (2020).

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 (October - April) following the grant of this permission, or in accordance with a programme previously agreed in writing by the Authority. 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 to accord with the Strategy for Nature - Supplementary Planning Guidance (2020).

5. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no garages, outbuildings, walls or fences exempt within Class 1 of the Land Planning and Development (Exemptions) Ordinance, 2023, shall be erected or constructed within the approved domestic curtilage extension, to which this permission relates, as shown on Drawing No. 6149/C/1b.

Reason - The carrying out of development of this type may cause harm to the landscape character and openness of the area.

Expiry Date: This permission will cease to have effect on 14/12/2026 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/2023/0258
Property Ref: D00591A000
Valid date: 01/02/2023
Location: Richmond Farm The Dunes Vazon Castel Guernsey GY5 7LH
Proposal: Change of use of agricultural land to domestic curtilage (1104 sq.m.).

Applicant: Mr & Mrs D Higgs

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.

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 plan, within one month of the date of this permission details of the biodiversity landscaping scheme set out on Drawing No. 6149/C/1b, including full details of tree, hedge, and wildflower planting, setting out planting schedules, noting the species, sizes, numbers and densities of plants, and grass seed species, shall be submitted to and agreed in writing by the Development & Planning Authority.

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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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Reason - The carrying out of development of this type may cause harm to the landscape character and openness of the area.

OFFICER'S REPORT

Site Description:

The application site is situated behind the roadside properties along Vazon Road, almost opposite the Richmond Kiosk. The site is situated outside of the Centres as designated in the Island Development Plan.

Planning permission was granted in 2020 (FULL/2020/1785) to demolish out-buildings and erect a dwelling, earth bank and gate. The application was submitted off the back of a former application to convert the outbuilding to a dwelling (FULL/2019/0801).

As part of the FULL/2020/1785 approval, the driveway to the east of the dwelling-house and an elongated area of garden to the south, was approved as domestic curtilage. An approved earth bank demarcated between the approved area of domestic curtilage and the agricultural land to the south-east of the dwelling. The domestic curtilage to the south of the dwelling is bounded by a douit, with agricultural fields beyond.

The fields to the south are recognised as an Area of Biodiversity Importance (ABI), with a Site of Special Significance to the west (separated by neighbouring land), and an Agricultural Priority Area (APA) to the south-west of the site, again; separated by neighbouring land.

The site itself is not within an Agriculture Priority Area (APA).

Large areas of contiguous, open and undeveloped agricultural land lie to the south and west of the application site. The majority of the agricultural land, particularly to the south of the dwelling, is visually prominent in public views from within this rural setting due to the topography of the land which reduces in height in a south-to-north direction.

Relevant History:

FULL/2023/0116	Variations to previously approved plans to erect single storey flat roof extension to south (rear) elevation - Create balcony at 1st floor level, alterations to fenestration to rear and erect porch to north (front) elevation.	Granted
FULL/2022/0135	Erect shed to north boundary.	Granted
FULL/2021/2601	Erect single storey flat roof extension to south (rear) elevation.	Granted
FULL/2021/1030	Variation to plans previously approved to demolish out-buildings and erect dwelling, erect earthbank and gate - omit juliet balcony and alterations to fenestration.	Granted
FULL/2020/1785	Demolish out-buildings and erect dwelling, erect earthbank and gate (revised scheme).	Granted
FULL/2019/0801	Conversion of outbuilding to dwelling, erect flat roof extension to east elevation and creation of earthbank.	Granted

Existing Use(s):

Richmond Farm (dwelling-house), including elongated land directly to the south – Residential
Land to the east of the dwelling-house – Agricultural

Brief Description of Development:

Planning permission is sought to change the use of agricultural land to domestic curtilage. The area in question is located to the south-east of the property and covers an area of approx. 1104sqm.

The application was deferred in line with the comments from La Societe, including clarification regarding grass seed mix, bat and bird boxes, and full details of the proposed fruit trees, and boundary planting along the east, south and west boundaries.

The agent has responded as follows:

“Our clients consider preservation of the environment to be at the heart of their landscaping plans. By way of background since acquiring the property in 2021, they have consulted with:

- Andrew Lee from the Société and followed his book “Native plants and hedging for Guernsey’s wildlife” with regards to the planting on the north east boundary of hazel, beech and hornbeam. They also consulted with Andrew in October 2022 and invited him for a site visit with regards to supporting local bats, but the site was not deemed appropriate for erecting bat boxes;*
- Barry Wells of the Société in a personal capacity as regards supporting bird life back in 2021;*
- Jamie Hooper of Environmental Services Guernsey in April 2023 and invited him for a site visit regarding native planting and supporting local wildlife;*
- Helen Litchfield of the Société botany section in March 2023 and invited her for a site visit regarding native planting;*
- Guernsey Gardens & Guernsey Trees for Life in November 2021 - discussions with the native tree planting section regarding the boundary planting.*

It is clear they have taken the environmental impact of their landscaping plans very seriously.

Having carefully considered the advice from those above, the landscaping plan is as follows:

- grass seed - red fescue (which supports the local wild flowers) mixed with an agricultural specification grass seed;*
- maintenance of grass - the plan is to trim the grass at the highest mower setting to allow wildflowers and plants to grow within it;*
- bat boxes - as discussed, despite our client’s enthusiasm to assist the local bat project, Andrew Lee advised that the property was not suitable for bat boxes unfortunately;*
- bird boxes - in consultation with Jamie Hooper the intention is to attach small bird boxes and hanging bird food to the fruit trees when they are large enough;*
- planting - 6 fruit trees have been planted at the top of the garden namely 2x apple, 1x pear, 1x apricot, 1x cherry and 1x peach. All the trees are self-pollinating;*

- boundaries - beech, hornbeam and hazel were planted along the north west boundary in January 2022. There are currently no plans to implement any planting on the west, south and north boundaries. An earth bank was created in March 2023 along the east boundary which was left to let nature take its course and it is now covered in native plants.

- wild patches - our clients have already created a wild earth bank along the east boundary and at the top of their garden by the fruit trees. Whilst they would like a large flat level surface for their young family to safely use, they will continue to balance this requirement against the opportunity to create further wild areas of their garden.

Finally, by way of assistance, please see attached the positioning of the fruit trees in green and the native wild earth banks in red.

Our clients trust that the above is in keeping with the Strategy for Nature 2020, and they would be happy to assist with any further questions following this supplementary information as required."

In response to the agent's e-mail of 20th June, updated plans were requested by the Planning Service to ensure that the details set out in the agent's e-mail corresponded with the details outlined on the drawings submitted to avoid any ambiguity and to provide a consistent and holistic landscaping plan.

Follow up e-mails were requested by the Planning Service over the months ahead.

The agent has provided revised plans in December, which clarifies the proposed landscaping scheme in attempt to overcome the concerns raised, and to take into account the Strategy for Nature. It is not considered necessary to inform the representation of revised plans given that the planning application has not fully addressed the points set out in the representation.

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

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

GP1: Landscape Character and Open Land

GP15: Creation and Extension of Curtilage

Strategy for Nature - Supplementary Planning Guidance (2020).

Representations:

The Authority has received a letter of representation from one party, La Société, objecting to the original proposal.

La Société's comments are as follows:

“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.

We would highlight that the dwelling has an existing curtilage of an area which might be considered sufficient. Further, the proposed measures could be undertaken on the land under its existing classification as agricultural land.

We accept that the application include mention of biodiversity measures which we may support in principle but we cannot confirm this as the details provided are insufficient. In particular, the proposals to level and reseed the field do not specify the grass seed mix or the future maintenance of the grassed area. As the site adjoins an ABI and is in close proximity to an SSS, we would strongly recommend that the SOG guidance on the use of seed mixes be considered. Importantly, it would be advisable to determine the ecological value of the existing grassland as it may be possible to retain and enhance this habitat through sympathetic management.

Regarding the bat and bird boxes, whilst we would welcome such installations, the application does not specify any details, As such, we are unable to ascertain if these are appropriate in terms of design or proposed locations.

Importantly, we would point out that La Societe has tried to contact the agent in order to confirm who he has consulted with within La Societe. Unfortunately we have not received a reply and it is possible that the agent is referring to previous consults for other sites and transferring that information; recommendations and proposals from one site are not necessarily transferrable in this manner. Similarly, we do not believe that La Societe’s Bat Group would have formally advised on bird boxes.

We wish to advise that La Societe would be able to assist with such measures, for example to arrange surveys of the existing site and to provide suitable recommendations on how the land could be enhanced in terms of its ecological value by appropriate native planting and ongoing maintenance.

La Societe can be contacted by emailing info@societe.org.qg”.

Consultations:

None generated.

Summary of Issues:

- Loss of agricultural land.
- Impact on landscape character and openness.

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 context:

The aim and objectives of the Island Development Plan seek to balance the protection of open and undeveloped land with the need for other appropriate uses. Paragraph 2.2.14 of the Island Development Plan states that the Strategic Land Use Plan notes *“that there are valuable landscapes such as the coastal areas, open common, managed fields, valleys and escarpments that all contribute to the important local character of the rural environment”*.

In addition, the Strategic Land Use Plan states that:

“some people have a desire to tidy up and domesticate the landscape which will have an impact on landscape character.... While this generally runs counter to the desire to preserve the local character of our landscapes, minor shifts in the management style of small parcels of land not forming part of larger areas of open land and not visually prominent will not fundamentally alter the character of the Island” (Paragraph 19.16.3 of Policy GP15).

The IDP also recognises in paragraphs, 19.16.4, 19.16.7 and 19.16.8 of Policy GP15 that:

“...the Island Development Plan will apply a reasonable and proportionate level of control when considering proposals for the creation or extension of curtilages that respects the exercise of private choice in matters where there are no significant impacts on the achievement of the strategic policies of the States of Guernsey...

...there will be a balance to be struck between ensuring the reasonable protection of open land and the requirements of the agricultural industry and the reasonable expectations of landowners to add new or additional land to the curtilage around a building...

...ancillary development within a proposed extended curtilage can have an unacceptable impact on open landscape character through the introduction or intensification of ancillary fixtures and features, such as car parking, bin storage areas or boundary treatments, for example”.

Loss of agricultural land:

Policy OC5 (B) (Agriculture Outside of the Centres – outside the Agriculture Priority Areas) has also been considered as part of the application.

The area of agricultural land in question is large (approx. 1100sqm), although the land is sited adjacent to an approved area of domestic curtilage. The land parcel is physically separated to agricultural land to the south by virtue of a drouit which runs across the breadth of the site. Despite its size, it would be unreasonable in this scenario to refuse planning permission given that the length of the approved curtilage to the west is the same as the proposed area of curtilage, is not sited within an Agriculture Priority Area, and cannot contribute to a wider area of agricultural land to the east as it is bounded by a mature boundary treatment.

Landscape character and openness:

However, whether the change of use is acceptable should be assessed on both a visual and spatial dimension. Whilst the site is not considered to positively contribute to adjoining land in terms of its wider agricultural use as set out above, the area of land in question is visible from public vantage points and does positively contribute to the general openness of the surrounding area, particularly when viewed from Rue Du Dos D'Ane.

Paragraph 19.16.7 of Policy GP15 notes that the Authority may decide to remove the ability to carry out development without planning permission under the Land Planning and Development (Exemptions) Ordinance, 2007 which could cause harm to the landscape character.

Similar to the extent of curtilage approved as part of the existing dwelling (FULL/2020/1785 & FULL/2019/0801), it is reasonable and necessary to restrict certain exemption rights of the property owner in order to manage future development on the land that may cause harm to the landscape character of the surrounding area, which might otherwise be exempt under the Exemptions Ordinance (2023).

Overall, the proposed change of use would not fundamentally alter the existing character of the site, nor would it have a detrimental impact on the landscape character or the wider area of open land, subject to appropriate conditions.

Neighbour amenity:

The proposed extension of domestic curtilage will not adversely affect the amenities of neighbouring residents by virtue of the relationship to properties, existing boundary treatment and the proposed landscaping scheme.

Strategy for Nature:

In light of the amendments secured, the potential impact on biodiversity has been considered in the context of Supplementary Planning Guidance (SPG) '2020 Strategy for Nature'. This SPG can be taken into account when decisions on individual planning applications are being reached, insofar as is lawful and proportionate under the Land Planning and Development (Guernsey) Law, 2005 and the relevant provisions of the IDP. Having regard to this, it is noted that the applicant has incorporated a new hedgerow along the east and south boundaries of the proposed area of garden which will serve as a wildlife corridor providing a benefit to biodiversity, a tree and shrub planting scheme, bird and bat boxes (once the trees are mature), and a commitment to managing the land in an environmentally sustainable manner via e-mail. The agent has confirmed that the new grass seed has been sown using a species that matches the surrounding fields (presumably to the south).

The agent has also shown new planting along the west boundary of the application site and a new wild flower meadow (outside of the proposed area of garden) which is a welcomed addition.

It is reasonable and necessary to ensure that appropriate landscaping conditions are applied to ensure that the proposal achieves a bio-diversity enhancement whilst respecting the sensitive surroundings. Planting a new hedgerow in 2025 is not appropriate given that the change of use of land for domestic gardens is normally considered instantaneous. All planting should be carried out towards the start of 2024 to take into account the planting season.

It is also acknowledged that the applicant has also carried out part of the earthbank in accordance with permission FULL/2020/1785, and has planted new trees and hedges since that permission. Although those works have taken place either before this application was submitted and do not fall under this specific area of land in question, and therefore do not carry any substantial weight on their own merit, although are beneficial to the bio-diversity of the area in light of the Supplementary Planning Guidance (SPG) '2020 Strategy for Nature'.

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.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 06/12/23

