

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 (137 sqm).

LOCATION: La Petite Ecole, Route Des Adams, St. Pierre Du Bois.

APPLICANT: Mr & Mrs M Coffell

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 28/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Turnstone Architecture Ltd: 330-40 P3

Application Ref: FULL/2023/0340

Property Ref: F000720000

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 operational development (construction of the replacement boundary wall) hereby permitted shall be begun within 3 years from the date of grant of this permission, and the landscaping works hereby permitted shall be completed by the 31st March 2024.

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.No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting; and
- ii) planting schedules, noting the species, sizes, numbers and densities of plants.

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 provide biodiversity enhancements.

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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 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 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/2023/0340
Property Ref: F000720000
Valid date: 28/02/2023
Location: La Petite Ecole Route Des Adams St. Pierre Du Bois Guernsey
GY7 9LJ
Proposal: Change of use of agricultural land to domestic garden (137
sqm).

Applicant: Mr & Mrs M Coffell

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 operational development (construction of the replacement boundary wall) hereby permitted shall be begun within 3 years from the date of grant of this permission, and the landscaping works hereby permitted shall be completed by the 31st March 2024.

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. No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting; and
- ii) planting schedules, noting the species, sizes, numbers and densities of plants.

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 provide biodiversity enhancements.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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

Brief Description of the site:

The existing residential site is roughly rectangular, occupied by a two-storey detached dwelling which fronts onto Route des Adams. The existing boundary to the residential garden is close to the rear of the dwelling, and further agricultural land within the applicant's ownership extends to the east, south and west of the site.

The site is Outside the Centres and is not within the Agricultural Priority Area (APA).

Relevant History:

PAPP/2007/2123 – Extend and alter dwelling, extend domestic curtilage, demolish wall and erect a fence.

This approved an extension to the residential garden by 4m to the east and 1m to the west.

FULL/2016/1079- Extend domestic curtilage, erect single storey extension inc first floor balcony to rear (south-west). Install dormer and alterations to fenestration. This approved the same extension to the residential curtilage as the earlier 2007 application.

FULL/2022/2300- Erect single storey extension and create a terrace at first floor level with external staircase to south-west rear elevation.

Existing Use(s):

28 Agricultural Use

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:

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

Policy GP1- Landscape Character

Policy GP8 – Design

Policy GP9 – Design

Policy GP13 – Householder Development

Policy GP15 – Creation and Extension of Curtilage

Strategy for Nature SPG

Conclusion/Brief comment:

The proposal is for the inclusion of an area of existing agricultural land which measures 5.5m by 26.5m into the existing residential garden of the property La Petit Ecole. The proposal includes the erection of a granite wall around the new boundary, proposed between 1.4m and 1.6m in height.

In consideration of GP1 and GP15, the proposal is acceptable in relation to landscape character as although the land to the rear of the site is open, the proposed native hedge planting will provide an enhancement and the scale of the change of use is small enough that it will not undermine the character of the open land beyond. The existing granite wall is to be replaced and so no important boundary features will be lost.

The site is not within an APA or an Area of Biodiversity Importance. There is no unacceptable loss of established biodiversity features, as the existing granite wall is to be replaced and this, along with the new native hedging proposed, makes a positive contribution to the character of the area.

The proposed extension of residential garden will have no harmful neighbour impacts due to the intervening distances involved.

In line with the requirements of the Strategy for Nature SPG a biodiversity statement has been included, along with landscaping proposals on the proposed plans, which include the planting of native species parallel to the new boundary wall. This is considered sufficient to provide biodiversity enhancements proportionate to the scale of development proposed.

The proposed hedge planting lies outside the proposed garden but within the outer red line of the application site and so a landscaping condition would be relevant and reasonable.

The conditions include a commencement condition, the standard 3 year commencement for operational development applies for the erection of the new replacement wall, while 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 very soon after the grant of permission.

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: 21/04/2023

