

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 (160 sqm).

LOCATION: Units 16 & 17, La Girouette Country Apartments, Vieille Rue, St. Saviour.

APPLICANT: T & T Properties Ltd

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 17/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Paul Vaudin & Associates Ltd: 19-015-09 & 10
Environment Guernsey Ltd Biodiversity Statement dated January 2023

Application Ref: FULL/2023/0379

Property Ref: E009420000

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 on or before 31/03/2024.

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 landscaping scheme shall be fully completed, in accordance with the submitted Environment Guernsey Ltd Biodiversity Statement dated January 2023, in the first planting season following the grant of this decision or by the 31/03/2024. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and biodiversity.

Expiry Date: This permission will cease to have effect on 31/03/2024 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/2023/0379
Property Ref: E009420000
Valid date: 17/02/2023
Location: Units 16 & 17 La Girouette Country Apartments Vieille Rue
St. Saviour Guernsey GY7 9NN
Proposal: Change of use of agricultural land to domestic garden (160
sqm).
Applicant: T & T Properties Ltd

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 on or before 31/03/2024.

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).

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Reason - In the interests of visual amenity and biodiversity.

OFFICER'S REPORT**Site Description:**

The site comprises a group of buildings situated to the west of Vieille Rue and to the south of Rue De La Girouette and a large area of undeveloped/agricultural land. The total area of the land under the applicant's ownership is approximately 4.9 hectares (12.1 acres). The group of buildings contain 6 dwelling houses, 11 apartments and 2 self-catering units. In November 2022 the 2 self-catering units were granted permission to be converted into dwelling houses.

The group of buildings include a traditional two storey building with a series of later extensions to the side and rear. The entire building has been subdivided into multiple residential units. To the south and west are four pairs of single storey semi-detached residential and self-catering units arranged in an L-shape either side of a gravelled driveway and parking area. This application relates to the south-western most pair of semi-detached dwelling houses (units 16 and 17).

The site is Outside of the Centres and is within an Agriculture Priority Area.

Relevant History:

07/11/2022 – FULL/2022/0549 – Permission granted for the change of use of 2 self-catering units (Visitor economy use class 8) to 2 dwellings (Residential use class 1).

10/07/2020 – CLU/2019/1320 – Certificate of Lawful Use granted to regularise use of 6 cottages and 10 apartments for use as independent residential dwellings (Residential Use Class 1 and 2).

17/05/2002 – PAPP/2002/0825 – Permission granted to vary works previously approved to demolish outbuilding and erect two semi-detached self-catering units.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is sought to change the use of a parcel of agricultural land measuring 160sqm to domestic land in order to extend to the rear (south) gardens of units 16 and 17.

The application is supported by a Biodiversity Statement by Environment Guernsey Ltd dated January 2023.

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

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP15: Creation and Extension of Curtilage

Representations:

One letter of representation was received which highlights that rubbish bin stores which are required by condition to be installed as part of a previously approved

application for units 18 and 19 have not yet been installed. Requests that the bin stores are installed prior to permission being granted to allow gardens for units 16 and 17.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are the impact on the landscape character and openness of the area and the loss of agricultural land within an Agriculture Priority Area.

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).**

The site as a whole was formerly used as a visitor accommodation establishment. Due to the long term use of the majority of the units for residential use, a Certificate of Lawful Use was granted to regularise the use of 6 cottages and 10 apartments as independent residential dwellings in July 2020 (CLU/2019/1320), this included units 16 and 17. As part of the Certificate of Lawful Use a small section of land extending a couple of metres from the rear (south) elevations of units 16 and 17 was regularised as domestic use, with the remainder of the land remaining in agricultural use.

The proposal to change the use of the land to a domestic use falls to be considered principally under Policies OC5(A), GP15 and GP1 of the Island Development Plan.

The site is not within an Area of Biodiversity Importance. No existing boundaries are proposed to be removed and the proposed use of the land for domestic purposes would have no adverse effects on neighbouring residents.

The size and layout of the proposed gardens would be similar to the gardens approved for the adjacent dwellings to the east in November 2022 (FULL/2022/0549). The proposed gardens would be well related to the existing built form on the site and would provide a proportionate amount of private outdoor amenity space for the dwellings whilst not unduly projecting into the open and undeveloped agricultural land to the south. In addition, the gardens would be largely screened from public view by a high granite wall along the roadside to the east. As a result, the change of use of the agricultural land to domestic use would not have an unacceptable adverse impact on the character and openness of the landscape. Due to the limited public visibility of the site, the modest size of the plots and the well related nature of the associated domestic land with the dwellings, it is not necessary to revoke any exemption rights in this instance.

The site is located within an Agriculture Priority Area. The existing dwellings have limited private amenity space but they do have access to communal amenity spaces to the north-west and north. The provision of private amenity space as proposed would enhance the living environment of the existing dwellings. The size of the proposed gardens is proportionate and well related to the dwellings and represent an appropriate balance between the provision of adequate domestic amenity space whilst minimising the loss of agricultural land. In addition, due to the proximity to and its relationship with the existing and neighbouring dwellings, it is likely that this parcel of land has limited potential uses for commercial agriculture. The inclusion of hedging around the boundaries of the gardens provides the opportunity to prevent the further encroachment of domestic uses onto the remaining agricultural land. The proposal does not amount to a significant loss of agricultural land and there is no reason to believe that the proposed change of use of the land in question would affect the viability of the remaining agricultural land. The proposal does not conflict with Policies OC5(A), GP15 and GP1.

The application is supported by a Biodiversity Statement by Environment Guernsey Ltd dated January 2023 which proposes hedge planting to define the extended domestic land, it sets out a maintenance regime for the adjoining field and a mixed hedge is proposed along an adjoining field boundary. The proposed planting and maintenance regime provides proportionate biodiversity enhancements, taking into account the limited area of land involved. To ensure that appropriate biodiversity enhancements are achieved in a timely manner, it is recommended that the proposed landscaping scheme is completed by the end of the next planting season, i.e. by 31/03/2024.

With regards to the comments in the letter of representation, the installation of bin storage prior to the commencement of the residential use of units 18 and 19 is not relevant to the determination of this planning application and will be dealt with separately through enforcement action if necessary.

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: 03/05/2023