

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 (880sqm), excavate land, erect earthbank to north, west and east boundary, erect a shed to south boundary and gate to west boundary (part retrospective).

LOCATION: Bienvenida, La Folie Lane, Vale.

APPLICANT: Mr & Mrs M Leale

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: 07/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: 1:500 scaled annotated block plan (date stamped received 07/03/2023), Sketch Plan of Proposed gate and Shed (date stamped received 22/02/2023 & 07/03/2023) and email from Mr and Mrs Leale (received 04/05/2023).

Application Ref: FULL/2023/0409

Property Ref: C012160000

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.Any trees or plants planted in accordance with, or as referred to in the details provided by email dated 04th May 2023 that are removed, die, or are severely damaged or become 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 planted.

Reason - To help assimilate the development into its surroundings and to ensure that the scheme accords with the Strategy for Nature (2020) Supplementary Planning Guidance.

5.Within two months of the date of this permission a landscape management/maintenance plan for the meadow and earthbank hedgerows shall be submitted to and agreed in writing by the Authority. The agreed landscape management plan shall then be fully adhered to thereafter.

Reason - To ensure that planting outlined in the email from Mr and Mrs Leale is managed and maintained in order to provide biodiversity enhancements in line with the aims of the Strategy for Nature (2020) Supplementary Planning Guidance.

Expiry Date: This permission will cease to have effect on 06/06/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With regard to conditions 4 and 5, the application submission (email 04/05/2023) demonstrates biodiversity enhancements to the site however, the condition is required to ensure that these enhancements are maintained and retained to offer long term biodiversity enhancements to the site to accord with the aims of the Strategy for Nature (2020) Supplementary Planning Guidance.

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/2023/0409
Property Ref: C012160000
Valid date: 07/03/2023
Location: Bienvenida La Folie Lane Vale Guernsey GY3 5SE
Proposal: Change of use of agricultural land to domestic garden (880sqm), excavate land, erect earthbank to north, west and east boundary, erect a shed to south boundary and gate to west boundary (part retrospective).

Applicant: Mr & Mrs M Leale

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. Any trees or plants planted in accordance with, or as referred to in the details provided by email dated 04th May 2023 that are removed, die, or are severely damaged or become 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 planted.

Reason - To help assimilate the development into its surroundings and to ensure that the scheme accords with the Strategy for Nature (2020) Supplementary Planning Guidance.

5. Within two months of the date of this permission a landscape management/maintenance plan for the meadow and earthbank hedgerows shall be submitted to and agreed in writing by the Authority. The agreed landscape management plan shall then be fully adhered to thereafter.

Reason - To ensure that planting outlined in the email from Mr and Mrs Leale is managed and maintained in order to provide biodiversity enhancements in line with the aims of the Strategy for Nature (2020) Supplementary Planning Guidance.

INFORMATIVES

With regard to conditions 4 and 5, the application submission (email 04/05/2023) demonstrates biodiversity enhancements to the site however, the condition is required to ensure that these enhancements are maintained and retained to offer long term biodiversity enhancements to the site to accord with the aims of the Strategy for Nature (2020) Supplementary Planning Guidance.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a semi-detached traditional dormer bungalow situated to the north of La Folie Lane. To the rear of the site is an area of agricultural land that formed part of a former vinery. This land is the subject of this application.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2021/1664	Remove section of wall to widen vehicular access.	Granted 21/09/2021
PAPP/2004/2467	Remove section of wall and widen vehicular access.	Granted 28/07/2004

PAPP/2004/1632	Extend and alter dwelling.	Granted 17/06/2004
PAPP/1993/1834	Replace windows	Granted 14/06/1993

Existing Use(s):

Residential (property and garden area)
Agricultural (land to the rear of the site)

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

OC5(B): Agriculture Outside of the Centres – Outside of the Agriculture Priority Areas;
GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable development
GP13: Householder development
GP15: Creation and Extension of Curtilage

Conclusion/Brief comment:

Prior to the submission of this application, the agricultural land to the rear of the site had been cleared of previous vinery debris and vegetation and excavated to a level to match the garden area for the property 'Bienvenida'. Earthbanks have also been constructed along the west, north and east boundaries of the site and a shed has been erected on a small part of the land close to the existing residential curtilage of the property.

Under this application retrospective planning permission is sought to regularise this development. Planning permission is also sought to change the use of the land from agricultural use to form part of the domestic garden associated with 'Bienvenida' and to erect a gate along the west boundary of the site.

The proposal to excavate the land, and to construct the earthbanks falls to be considered principally under Policy GP1, whilst the principle of the extension to the domestic curtilage falls to be considered under Policies GP1 and GP15 which is assessed in detail below. The shed and the proposed gate also need to be assessed against Policy GP8 of the IDP.

The application site is located to the rear of the existing dwelling beyond the existing recognised garden area for the property. The land is not highly prominent or visible from public vantage points within the surrounding area. Given that residential properties are situated to the north, south and east, together with the boundary treatments surrounding the site (comprising a mixture of well-established trees and hedges), the land contributes little to the openness of the surrounding area. Consequently, the works already completed (i.e. the excavation of the land, the construction of earthbanks and shed) nor the proposed garden area extension would have a significant detrimental effect on the landscape character or openness of the surrounding area.

Given the above and that the property already benefits from a greenhouse, a shed and an outbuilding, exempt developments would be limited and would not be visually prominent. It is therefore not considered necessary to remove Exemption Rights afforded to the householder in this instance.

The proposed extension of domestic garden is not located within or immediately adjacent to an Area of Biodiversity Importance or an Agriculture Priority Area (APA) as defined within the Island Development Plan (IDP).

The creation of earthbanks along the boundaries of the site has enhanced the boundary features of the land and no other alterations to the boundaries are proposed.

The development and the proposed change of use of the land would not cause undue harm to the amenities of neighbouring residents.

By email dated 4th May 2023, in relation to improving the biodiversity of the site the applicant has confirmed the following:

- They would like the land to resemble a meadow on which they plan to place only a picnic table;
- The grass will be left to grow with a couple of pathways mowed through to provide a walkway;
- The earthbanks are already a mass of long grasses and wild flowers, which will be retained;
- 20 kilos of daffodils, numerous cowslips, foxgloves and poppies have been planted on the site;
- 3 apple trees, a pear tree, cherry tree and plum tree and 3 silver birch trees have been planted on the site. There are also 12 small common willow trees planted on the land;
- Along the top of the earthbanks a selection of Hawthorn, Sloe, Hornbeam and Hazel have been planted which once established will provide a thick hedge for wildlife, wind protection and privacy.

By virtue of the planting and the improvements to the biodiversity confirmed above (which were also witnessed on site as part of the assessment of the application), the

application has considered the Strategy for Nature (2020) Supplementary Planning Guidance. However, to ensure the improvements to biodiversity are maintained and continue to provide benefit in the future, it is recommended that a condition is included on any permission to ensure any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting are replaced in the following planting season by trees or plants of a size and species similar to those originally planted and with regard longer term management plans.

Subject to the recommended condition and for the reasons above, the scheme complies with the provisions of policies GP1 and GP15 of the IDP.

The shed and the proposed gate are appropriately positioned and designed and are of limited scale and would not impact on the amenities of neighbouring properties, or on the openness or the visual or landscape character of the surrounding area. The development therefore complies with Policies GP1 and GP8 in this respect.

The scheme would not affect existing or increase the need for additional car parking and would therefore not harm highway safety.

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 planning permission is granted.

Recommendation:

Grant with Conditions



Date: 07/06/2023

