

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 (2,623 sq.m.), install solar panels and erect new shed.

LOCATION: Benarty, Blanche Carriere Lane, Vale.

APPLICANT: Mr & Mrs M Geddes

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: 18/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan 1:1250
Block Plan showing existing and proposed curtilage 1:500
Block Plan showing proposed site layout 1:500
Biodiversity Statement - dated 06 June 2023
New Shed annotated photograph

Application Ref: FULL/2023/0434

Property Ref: C00245A003+C00245A005

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.The landscaping scheme contained within the approved Biodiversity Plan dated 06/06/2023, shall be fully completed, in accordance with the details contained within the approved Biodiversity Plan in the first planting season following the first use of the development whichever is the sooner, 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 make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

5.The proposed solar panels shall be installed on the roof slope as shown in the approved plans, but shall not project above the plane of the glasshouse roof slope by more than 30cm.

Reason- In the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 17/07/2026 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/2023/0434
Property Ref: C00245A003+C00245A005
Valid date: 10/03/2023
Location: Benarty Blanche Carriere Lane Vale Guernsey GY3 5DL
Proposal: Change of use of agricultural land to domestic garden (2,623 sq.m.), install solar panels and erect new shed.

Applicant: Mr & Mrs M Geddes

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).

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within the approved Biodiversity Plan in the first planting season following the first use of the development whichever is the sooner, 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.

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Reason- In the interests of visual amenity.

OFFICER'S REPORT

Brief Description of the site:

The site is located to southwest of the pair of dwellings, Ningaloo and Benarty, accessed from the small clos to the east of La Blanche Carriere, Vale.

The land is currently in agricultural use, and the application is for the change of use for domestic garden in association with the residential occupation of the dwellings Benarty and Ningaloo. The application also includes the installation of solar panels on the existing glasshouse roof with solar equipment to be housed within a new shed.

The site is located Outside the Centre as defined in the Island Development Plan.

Relevant History:

PREA/2023/0167 – Extend domestic curtilage of "Benarty" and "Ningaloo" and install 34 photovoltaic panels on greenhouse roof

Existing Use(s):

28 Agriculture

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 of the Agriculture Priority Areas.

OC7: Redundant Glasshouse Site Outside of the Centres.

GP1: Landscape Character and Open Land.

GP15: Creation and Extension of Curtilage.

Supplementary Planning Guidance – Strategy for Nature (2020)

Conclusion/Brief comment:

The entire application site is a redundant glasshouse site which has been previously cleared, the dwellings themselves were erected on former glasshouse land between 1979-1990. Further clearance of the site occurred between 1996 – 2001 and a small replacement glasshouse was erected to the north of the site. After the clearance of the site, the land reverted to an agricultural use.

In respect of the change of use to domestic garden, this parcel of land is enclosed by residential development to the north with a redundant glasshouse site along the eastern boundary. This site itself has a copse to the south west and a mature conifer boundary to the open land to the south west and south and will therefore not be visible in public views.

The proposed change of use would not therefore have an adverse impact on open land or landscape character and is not located within an Area of Biodiversity or Agriculture Priority Area. No boundary features will be altered as a result of the proposal and there will be no adverse impacts on neighbouring residents. The proposed change of use would therefore accord with Policies GP1 (Landscape character and open land) and GP15 (Creation and extension of curtilage).

Although the site is not located in an Area of Biodiversity Importance, in line with the States' Strategy for Nature, 2020, which has been adopted as Supplementary Planning Guidance, the application must be accompanied by information demonstrating environmental benefits in respect of biodiversity that will be incorporated should planning permission be granted. This should relate to biodiversity benefits within the proposed area of domestic garden.

The application drawings and Biodiversity Statement (June 2023) show enhancements proposed including the establishment of a wildflower meadow to improve existing grassland habitats, new native hedging, the removal of invasive pampas grass, extensions to the wooded copse and installation of nest boxes. This offers good opportunities for biodiversity enhancements which will be secured by condition. As such therefore, the scheme accords with the aims of the Strategy for Nature.

The retention of the existing glasshouse is considered acceptable as this is used to mount the solar array, supporting Policy GP9 and for domestic growing which in turn may support the biodiversity enhancements. Its removal to achieve accordance with Policy OC7 would not therefore be considered sustainable.

The proposed solar array would be exempt development as long as it does not project above the plane of the roof slope by more than 30cm, no plans have been received to illustrate this although the applicant has confirmed that this will be the case by email received 10/03/2023. The solar panels are therefore considered to be exempt development.

The equipment associated with the solar array is to be housed within a new shed, proposed on an existing concrete base. The shed is small scale and would not have a harmful visual impact to neighbours or their amenity.

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.

Recommendation:

Grant with Conditions



Date: 17/07/2023

