

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 (849 sq.m.) and erect fence to north boundary, erect shed (retrospective).

LOCATION: Sandy's Cottage, Les Pages, St. Martin.

APPLICANT: Mr C Smith

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: 28/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd - 22-1437 P2 PD/01B.

Application Ref: FULL/2023/0475

Property Ref: J008240000

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.Prior to the end of the planting season following this grant of consent (by 31st March 2024) a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of the perimeter shrub/hedge planting to the north and west,
- iii) planting schedules, noting the species, sizes, numbers and densities.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help biodiversity enhancement.

5.The whole landscaping scheme shall be fully completed, in accordance with the details in the submitted information as required by Condition 4, by the end of the planting season following the grant of consent (by 31st March 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 - 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 27/07/2026 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/2023/0475
Property Ref: J008240000
Valid date: 27/03/2023
Location: Sandy's Cottage Les Pages St. Martin Guernsey GY4 6QX
Proposal: Change of use of agricultural land to domestic garden (849 sq.m.) and erect fence to north boundary, erect shed (retrospective).

Applicant: Mr C Smith

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. Prior to the end of the planting season following this grant of consent (by 31st March 2024) a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of the perimeter shrub/hedge planting to the north and west,
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Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help biodiversity enhancement.

5. The whole landscaping scheme shall be fully completed, in accordance with the details in the submitted information as required by Condition 4, by the end of the planting season following the grant of consent (by 31st March 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 - 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

Site Description:

The property known as 'Sandy's Cottage' is a pre-1900's traditional one and a half storey cottage, which is slightly set back from and faces east onto Les Pages. The dwelling sits in the southeast corner of the site, with vehicular access on the north end of the east boundary. The site is bound by a combination of 2m high fencing and high granite walls, which encloses the land. There is an adjoining property to the south and detached neighbours to the north and east across the road, and to the west beyond the wall is open fields. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Agricultural use class 28: agriculture.

Brief Description of Development:

This application is for a change of use of agricultural land to domestic garden (849sqm) and to retrospectively erect a fence along the north boundary and erect a shed.

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

GP8: Design

GP15: Creation and Extension of Curtilage

Representations:

There has been one letter of representation and the issues are:

- Although this patch of land is small and is not designated APA it is contiguous with farm land to the west.
- How can an allotment be considered under the Strategy for Nature.
- Lastly, whether the fence can be seen is irrelevant, in this area a native hedge should be required, the fence should be removed and a more natural barrier used to replace it. This would have great benefits for the environment, both flora and fauna.

Consultations:

Agriculture, Country and Land Management Services (ACLMS).

'This land appears to have been managed as domestic curtilage for quite some time - possibly as far back as 1945.'

From a quick assessment, and based on the aerial photos and images provided in the Drawing ref PD/01, it is likely that the baseline biodiversity of the site is limited mostly to the value offered by the mature trees. The grassland appears to be intensively managed and most likely has received applications of fertilisers, it is therefore likely to have limited ecological value.

Given the limited baseline (and as they've not proposed any works which are likely to cause ecological impacts) it's likely that the planting of the fruit trees will lead to a biodiversity enhancement. However, it would be nice to see some native hedging or shrubs to provide some ground story for small mammals and birds, especially as the grassland beneath the trees is intensively managed - this could enhance the biodiversity of the site considerably.'

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Principle of development

As the application is for a change of use from agricultural land to use as domestic garden, Policy GP15 applies. This states that the extension of curtilage will be supported where:

- a) It would not have an unacceptable impact on the landscape character,
- b) It would not have an unacceptable impact on the biodiversity interest of an Area of Biodiversity Importance,
- c) It is demonstrated that the land cannot positively contribute to the commercial agricultural use of an APA or cannot practicably be used for commercial agriculture within an APA without unacceptable adverse environmental impacts,
- d) It is demonstrated that it would not involve an unacceptable loss of established boundary features which contribute positively to the character of an area, unless the new or replacement boundary treatment makes an equal or enhanced contribution to the character of the area; and,
- e) It would not adversely affect the reasonable amenities of neighbours.

The site is not within an area of biodiversity importance and is not within an APA. The change of use to residential garden is not considered to have an unacceptable impact on the landscape character, as the area of land is bounded by granite walls and residential development on three sides. The mature trees located across the land contribute positively to the wider landscape but would not be lost as a result of the change of use, and are in accordance with the requirements of Policy GP15 of the IDP.

Biodiversity

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.

The application submission and drawing 22-1437 P2 PD/01B explain that the land has been laid to grass for a long time with five mature trees within the area and two young trees have recently been planted close to the north boundary. The southern part of the site is to be dedicated to an allotment where four raised planters will be erected and three more fruit trees will be added to the four which have already been planted.

Two compost bays and a large bug hotel will also be added to the area, along with two new bird boxes fixed to the mature trees.

ACLMS were consulted on the scope of the biodiversity enhancements and on balance were content with the items to be implemented. They did suggest that more hedging or shrubs should be planted around the perimeter as ground storey for small mammals and birds to shelter in. The suggestion was passed to the applicant and they agreed.

A landscaping condition, a commencement condition and the proposed works 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 immediately after the grant of permission.

Other considerations

The location and size of the retrospective shed is considered to be appropriate and the length and height of the north fence is also considered to be appropriate for the size and scale of the land it bounds.

The impact on neighbours is considered to be limited due to the position of the site, and high boundary treatments. The use of the land as garden is not considered to be harmful to neighbours in terms of the potential for noise or disturbance as in essence there are no obvious changes to the land.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 27/07/2023

