

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 (3,000 sq.m.).

LOCATION: La Courtil D'Emet, Rue De La Masse, Castel.

APPLICANT: Mrs S M Le Moignan

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: 19/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Chris Workman & Co - SB:21:17 09C

Application Ref: FULL/2023/0482

Property Ref: D011560000

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 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.

3. Prior to the 31st December 2023, details of the new planting, including species, sizes, numbers and densities of plants and the preparation of the pollinator patch area and seed mixes to be sown, shall be submitted to and agreed in writing by the Authority.

Reason - To ensure that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

4. Prior to the 31st December 2023, a landscape management plan, including maintenance schedules for all landscape areas, shall be submitted to and agreed in writing by the Authority. The agreed landscape management plan shall then be fully implemented.

Reason - To ensure that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above conditions, in the first planting season following the date of this decision, 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 ensure that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

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/2023/0482
Property Ref: D011560000
Valid date: 16/03/2023
Location: La Courtil D'Emet Rue De La Masse Castel Guernsey GY5 7PJ
Proposal: Change of use of agricultural land to domestic garden (3,000 sq.m.).

Applicant: Mrs S M Le Moignan

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 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.

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OFFICER'S REPORT

Brief Description of the site:

The application site relates to an existing dwellinghouse, known as Le Courtil D'emet, and adjacent agricultural land located to the north-east of Rue de la Masse. The dwellinghouse and associated curtilage are bounded by residential properties to the north-west and south-east, and a school is located across the road to the south-west. The agricultural land is located behind the roadside dwellinghouse and abuts further agricultural land to the north-west, north-east and south-east. A gravelled track runs along the length of the south-east boundary of the site, within the cadastre parcel, and is used for parking by teachers at the adjacent school. Whilst it is not clear whether this is an authorised use, aerial photograph regression shows that the use has been ongoing for more than 10 years therefore no action would be taken.

The agricultural land was formerly under glass, however the glass was substantially removed by 2004, with only one small section remaining adjacent to the north boundary, immediately to the rear of the dwelling and within the recognised domestic curtilage. The site would not therefore meet the definition for a Redundant Glasshouse Site as set out within the Island Development Plan and associated Supplementary Planning Guidance.

The site is located Outside of the Centres, within a designated Agriculture Priority Area, in the Island Development Plan.

Relevant History:

None.

Existing Use(s):

Residential Use Class 1
Agricultural Use Class 28

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(A) Agriculture Outside of the Centres – within the Agriculture Priority Areas
GP1 Landscape Character and Open Land
GP8 Design
GP9 Sustainable Development
GP15 Creation and Extension of Curtilage

Strategy for Nature

Representation:

La Societe remains concerned over the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan currently permits the consideration of such applications, we seek to optimize ecological gains in such cases wherever possible.

We would highlight at this early stage that this proposed extension is relatively large and all of the land to the northeast of Rue De La Masse is an Agricultural Priority Area.

Conclusion/Brief comment:

Permission is requested to change the use of part of the agricultural land located to the rear of the dwellinghouse, measuring approximately 3000sqm, to domestic land for use in association with that dwelling. Whilst the annotations on the submitted plan (Drawing No SB:21:17/09C) state the existing curtilage is shaded red and the proposed blue, it is clear that the existing curtilage is shaded blue and that proposed to be curtilage under this application is the land shaded red.

Policy OC5(A) supports development which would result in the loss of agricultural land where the proposed new use accords with all other relevant policies.

The application site is located to the rear of the roadside development and is largely screened in public views by that development and boundary planting. Boundary features, particularly to the north-east, are strong and align with boundary features on adjacent sites. Whilst located adjacent to a wider area of open land, the area in question is peripheral to that land and is of limited visibility in public views. Taking into consideration the context of this site, the change of use would not have a significant impact on landscape character or openness.

The covering letter submitted as part of the application states that, when the glasshouses at the site were removed, the glass was buried on the land under a layer of top soil and the land is not therefore fit for commercial agricultural use. The letter also notes that the size of the land is small for agricultural purposes and that it is separated from the agricultural land to the north-east by an earthbank which would have to be removed to enable use of the land at the application in conjunction with the adjoining agricultural land. Further clarification was received by email 03/07/2023. The undertaking of operations by the property owner which render the land incapable of use for its authorised purpose would not, in itself, comprise sufficient reason to allow the change of use of land designated for that purpose. In this case it is however recognised that, in addition to the significant remedial works required to rectify the operations which have been undertaken, the land immediately to the north-west is not in productive agricultural use, is only accessible from the dwellinghouse on that land, has strongly defined boundaries and is small for such use. It is therefore unlikely that that land would be used for productive agricultural purposes. Furthermore, the strip of track along the south-east boundary of the site has an established use outside of agriculture. On balance, taking into account the context of this particular site, it is considered that the site is peripheral to the land within the wider Agriculture Priority Area and would not be likely to positively contribute to the commercial agricultural use of that designated area.

The site is not located within or adjacent to an Area of Biodiversity Importance and no boundary features are to be removed. The proposed use of the land would be for domestic purposes, and, taking into account the proposed use and the relationship to surrounding residential property, the proposal would have no adverse effects on neighbouring residents.

In respect of the Strategy for Nature, as initially submitted the application included planting of a natural hedge along the bank to the east and creation of a pollinator patch in the north-east corner, with native plants and shrubs. Taking into account the size of the area proposed for change of use, these factors in isolation were not considered to provide sufficient uplift to the ecological value of the site. Whilst the site itself is identified in the 2018 Habitat Survey as Amenity Grassland, and therefore of limited value, the area to the south-east is identified as mixed woodland, of conservation importance. Following deferral, additional native oak tree planting has been proposed along the south-east boundary, to supplement the

adjacent area. Cumulatively, the proposals are considered to address the requirements of the Strategy for Nature. To ensure this is the case it is however recommended that full details and implementation of the proposed planting of all three areas and of the management of the pollinator patch is required by condition.

In the context of this site there is no requirement to remove exemption rights.

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: 18/07/2023

