

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 (1,060sqm).
Erect 1.5 storey detached garage, remove section of wall to create an
additional vehicle access and relocate oil tank.

LOCATION: Les Dunes Cottage, The Dunes, Vazon Road, Castel.

APPLICANT: Mr M Le Page

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: 08/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/04/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd: 22-1445 PD/01B & 02A.

Application Ref: FULL/2023/0525

Property Ref: D006040000

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 shall be fully completed, in accordance with the details provided in Plan PD/01B, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Non-native, non-local wildflower seeds should not be sown, and only locally harvested seeds from appropriate donors or native seeds shall be used. The wildflower meadow shall be protected and maintained for a minimum period of 5 years following first planting.

To help assimilate the development into its surroundings, and to provide biodiversity enhancements in line with the Strategy for Nature SPG.

5.Within four weeks of the new access being brought into use, the new section of wall hereby approved to the front (northern) boundary shall be constructed in accordance with the approved plans with the end of the opening finished off using materials and a method of construction which match the remainder of the wall.

Reason - To secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 07/06/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The applicant is advised for the avoidance of any doubt, that the proposed garage and home office shall be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business, or as a separate unit of accommodation would require a separate grant of planning permission.

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/2023/0525
Property Ref: D006040000
Valid date: 04/04/2023
Location: Les Dunes Cottage The Dunes Vazon Road Castel Guernsey
GY5 7LQ
Proposal: Change of use of agricultural land to domestic garden
(1,060sqm). Erect 1.5 storey detached garage, remove section
of wall to create an additional vehicle access and relocate oil
tank.
Applicant: Mr M Le Page

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. The landscaping scheme shall be fully completed, in accordance with the details provided in Plan PD/01B, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Non-native, non-local wildflower seeds should not be sown, and only locally harvested seeds from appropriate donors or native seeds shall be used. The wildflower meadow shall be protected and maintained for a minimum period of 5 years following first planting.

To help assimilate the development into its surroundings, and to provide biodiversity enhancements in line with the Strategy for Nature SPG.

5. Within four weeks of the new access being brought into use, the new section of wall hereby approved to the front (northern) boundary shall be constructed in accordance with the approved plans with the end of the opening finished off using materials and a method of construction which match the remainder of the wall.

Reason - To secure the satisfactory appearance of the completed development.

INFORMATIVES

The applicant is advised for the avoidance of any doubt, that the proposed garage and home office shall be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business, or as a separate unit of accommodation would require a separate grant of planning permission.

OFFICER'S REPORT

Site Description:

The site is located to the western end of Vazon Bay, accessed via The Dunes which is an unmade access track running parallel to the main Vazon Road. The dwelling is set to the eastern side of the site and is set approx. 1m lower than the main road.

The residential curtilage of the dwelling, Les Dunes Cottage, is considered to comprise land to the front and rear of the dwelling with the section of land to the west (between Les Dunes Cottage and Chanson de la Mer) is considered agricultural land.

The land immediately to the north and east of the site is designated as a Site of Special Significance.

Relevant History:

N/A

Existing Use(s):

- 01 Residential dwelling
- 28 Agricultural

Brief Description of Development:

The application proposes the change of use of the agricultural land to domestic garden, which will mean the entire site will be domestic garden used in association with Les Dunes Cottage.

The proposal also includes the erection of a 1.5 storey detached garage to the west of the dwelling, along with the removal of a section of front wall to create an additional vehicular access, these works also require the relocation of the oil tank adjacent to the new access.

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

- GP1- Landscape character
- GP8 – Design
- GP9 – Sustainable Development
- GP13 – Householder Development
- GP15 – Creation and Extension of Curtilage

Representations:

One letter of representation has been received from a local neighbour. The main concerns raised are:

- Part of site is agricultural land and in very close proximity to an area of Special Significance.
- The new garage will be highly visible and will detract from the natural beauty and landscape quality of the locality.
- Inappropriate mass and scale, visual impact of dormers in particular. Suggested a lower ridge line to mitigate visual impact.
- Loss of privacy and harmful impact on amenity of neighbours due to external staircase and first floor glazing.
- Adverse impact on biodiversity
- Urbanisation of the area as a result of additional vehicular entrance and impact on road users with harmful impact on public safety.

La Societe also raised concerns over the proposal and noted that the location adjacent to the SSS and ABI designated land should have a bearing on the suitability of proposed planting schemes.

Consultations:

None required

Summary of Issues:

- Principle of development
- Design, visual impact and impact on landscape character
- Impact on neighbouring amenity
- Impacts on biodiversity

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 set out in 2 below.

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

Proposed Change of Use:

As the proposal includes a change of use to 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; and,
- 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
- e) It would not adversely affect the reasonable amenities of neighbours.

The site is not within an Area of Biodiversity Importance (ABI), although is adjacent to an ABI and is not within an APA. In light of this, the change of use to residential garden is not considered to have an unacceptable impact on the landscape character as the parcel of land is bounded by the residential development or road on all sides, this means that the land is already read as residential garden. The views of the site from the road in the wider landscape are interrupted by the presence of residential development located to the rear and side, and so the proposed change of use of the site is not considered to harm the wider landscape character.

No significant established boundary features will be lost, and the impact of the change of use on neighbours is not considered to be any more harmful to neighbours than the existing agricultural use in terms of the potential for noise or disturbance. The proposal is therefore considered to be in accordance with Policy GP15 of the IDP. Policy GP1 also considers the loss of open land and the impact on the landscape character. The proposal is considered to comply with this policy as it does not result in the loss of landscape features.

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. Two trees are to be removed from the site to allow for the new garage, one of these trees is very small. The application's biodiversity statement proposes a new wildflower meadow to the south of the proposed garage building, to improve the biodiversity of the site. The site is identified in the 2018 Habitats Survey of Guernsey as amenity grassland, which is common within residential garden areas. The site lies immediately adjacent to the Improved Grassland and Dune Grassland of the designated SSS.

As advised by La Societe, for domestic curtilages which are within 100m of a SSS, non-native, non-local wildflower seeds should not be sown. Locally harvested seed should be sourced and this, along with the wildflower meadow itself can be secured by condition and therefore the scheme accords with the aims of the Strategy for Nature.

Proposed Garage and other works:

Policy GP13 (Householder Development) indicates that proposals for extensions and alterations to existing residential properties will be supported subject to certain criteria being met including with regards to the impact on the amenities of neighbouring properties, taking into account the surrounding character and where they accord with all the relevant policies of the Island Development Plan. In addition, the preceding text of Policy GP13 refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

The proposed triple garage is located towards the western boundary of the site, set back approx. 1m from the front elevation of Les Dunes Cottage. The garage is approx. 12.5m by 19m and is 3m high to the eaves, and 6m to the ridge. The design features three dormers to the east elevation, with side windows to the north and south and external staircase to gain first floor access to the east. The first floor is proposed for storage/hobby room use.

To gain vehicular access to the garage a new driveway and access onto the track are proposed, this retains most of the existing large planter which forms a stone wall boundary to the frontage, and introduces a 4.5m wide access. The existing main access appears to be pedestrian only with car parking adjacent to the existing projecting wing road, and so this along with the provision of a garage for a dwelling of this size is considered to be a reasonable aspiration of the property owner.

The change in land levels of the site means that the garage will be approx. 1.5m lower than the road, which reduces the visual impact of the building, appearing more as a single storey outbuilding from the road. The dormers add to the bulk of the proposal, however the set back from the access track of approx. 11m means that the garage will not appear overly prominent but will fill an existing visual gap between dwellings and result in a new access, which, on balance does not harm the

existing character of the area. The new access is not considered likely to result in a change to traffic flows or highway safety.

The proposed garage and new access are unlikely to have a significantly harmful impact on neighbour amenity. The garage is 13m away from the neighbour to the west (Chanson de la Mer) with an intervening access track between, and approx. 30m away from the dwelling to the rear (Dunes House). There are no west facing windows proposed to the garage and so no harmful overlooking of Chanson de la Mer is expected, while Dunes House is located at a sufficient distance to prevent any harmful levels of overlooking. The external staircase does not include a large enough balcony area for sitting out, and so facilitates first floor access only, and is therefore not expected to result in a harmful loss of amenity to any neighbours.

As a whole the proposed garage and access achieve a good standard of design, uses suitable materials, respects the local landscape character and current levels of neighbour amenity, in accordance with Policies GP13 and GP8.

The works to reposition the oil tank are acceptable, and are an improvement to existing arrangements where the oil tank is visible from the road.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include: the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; the likely effect on roads and other infrastructure, traffic and essential services; any possible fall-back position by way of extant planning permissions or exempt development; and the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no impact on protected trees, monuments or buildings. The site adjacent to, but not within a SSS.

It is concluded that the scheme accords with the aims of Policies GP4, GP8, GP9 and GP13 of the Island Development Plan and it is recommended that the application is approved.

Date: 05/06/2023