

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 (305 sqm).

LOCATION: Brooklea, La Rue Sauvage, St. Sampson.

APPLICANT: Mr J Robert & Miss A Envoldsen

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: 12/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/04/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Drawing Nos: JRAE-2021-S1-07 & -08

Application Ref: FULL/2023/0529

Property Ref: B015630000

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 on or before 31/03/2024.

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 landscaping scheme shall be fully completed, in accordance with approved plan number JRAE-2021-S1-08, in the first planting season following the grant of this decision or by the 31/03/2024. 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 - In the interests of visual amenity and biodiversity.

Expiry Date: This permission will cease to have effect on 11/05/2026 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/2023/0529
Property Ref: B015630000
Valid date: 03/04/2023
Location: Brooklea La Rue Sauvage St. Sampson Guernsey GY2 4WH
Proposal: Change of use of agricultural land to domestic garden (305 sqm).

Applicant: Mr J Robert & Miss A Envoldsen

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 on or before 31/03/2024.

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Reason - In the interests of visual amenity and biodiversity.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested for the change of use of a parcel of agricultural land measuring approximately 305 sqm to domestic garden in association with the dwelling Brooklea.

The application site comprises of a detached dwelling situated to the west of Rue Sauvage and forming part of a ribbon development of residential properties along the highway. To the rear (west) of the dwelling is a rectangular shaped parcel of land laid to grass and bounded by high timber fencing, the land the subject of this application. The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

16/05/2022 – PREA/2022/1801 – Pre-application advice regarding change of use of land to domestic garden.

28/05/2021 – FULL/2021/0806 – Permission granted to demolish extensions, erect extensions at first floor level to north (side) elevation, single storey flat roof extension on west (rear) elevation and alterations to fenestration.

Existing Use(s):

Agriculture use class 28

Residential use class 1: dwelling house

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:

Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

Policy GP1: Landscape Character and Open Land

Policy GP15: Creation and Extension of Curtilage

Conclusion/Brief comment:

The proposal to extend the domestic curtilage falls to be considered principally under Policies GP15 and GP1 of the Island Development Plan.

The site is not within an Area of Biodiversity Importance or an Agriculture Priority Area. No changes to the existing boundaries are proposed.

The land bounds neighbouring dwellings in close proximity to the south and west but given the boundary screening that separates the land from the neighbouring properties, the proposed change of use would not of itself have an adverse impact on or affect the amenities of neighbouring residents.

Due to the siting of neighbouring residential dwellings to the north, west and south, the site does not form a wider area of open land and the proposed change of use would not have a significant adverse effect on the landscape character of the area, in accordance with Policies GP15 and GP1.

The planting of trees and native mixed hedging would provide proportionate biodiversity enhancements. To ensure that appropriate biodiversity enhancements are achieved in a timely manner, it is recommended that the proposed landscaping scheme is completed by the end of the next planting season, i.e. by 31/03/2024.

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 the application is approved.

Recommendation:

Grant with Conditions



Date: 10/05/2023

