

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 (300 sq.m.) and erect shed (revised scheme).

LOCATION: The Barn, La Biloterie Road, St. Saviour.

APPLICANT: Mr C De Nobrega

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: 07/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan, Site Plans Revision C, proposal for freestanding shed and applicant's letter dated 22/05/2023.

Application Ref: FULL/2023/0663

Property Ref: E005280003+E005290000

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.Within six months of the date of this permission, the following details shall be submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting including the species, sizes, numbers and densities of plants; and
- ii) full details of the wildflower lawns including the species to be planted, the method of creating the wildflower lawns and details of their ongoing management.

Reason - In the interests of visual amenity and biodiversity.

5.The landscaping scheme shall be fully completed, in accordance with the approved Site Plans Revision C, the letter dated 22/05/2023 and as per the details agreed under the terms of the above condition 4, in the first planting season following the grant of this permission 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.

6.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no freestanding garage or other outbuilding, or gate, fence or wall shall be erected, constructed or placed on any part of the hereby approved extended domestic land.

Reason - In view of the sensitive nature of the site, the erection of such structures as 'exempt development' may have an adverse visual impact. This condition is imposed to make sure that any proposals can be properly considered.

Expiry Date: This permission will cease to have effect on 06/07/2026 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/2023/0663
Property Ref: E005280003+E005290000
Valid date: 24/05/2023
Location: The Barn La Biloterie Road St. Saviour Guernsey GY7 9QY
Proposal: Change of use of agricultural land to domestic garden (300 sq.m.) and erect shed (revised scheme).

Applicant: Mr C De Nobrega

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. Within six months of the date of this permission, the following details shall be submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting including the species, sizes, numbers and densities of plants; and
- ii) full details of the wildflower lawns including the species to be planted, the method of creating the wildflower lawns and details of their ongoing management.

Reason - In the interests of visual amenity and biodiversity.

5. The landscaping scheme shall be fully completed, in accordance with the approved Site Plans Revision C, the letter dated 22/05/2023 and as per the details agreed under the terms of the above condition 4, in the first planting season following the grant of this permission 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.

6. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no freestanding garage or other outbuilding, or gate, fence or wall shall be erected, constructed or placed on any part of the hereby approved extended domestic land.

Reason - In view of the sensitive nature of the site, the erection of such structures as 'exempt development' may have an adverse visual impact. This condition is imposed to make sure that any proposals can be properly considered.

OFFICER'S REPORT

Site Description:

The site consists of a former barn which has been converted to a dwelling and an area of agricultural land measuring 300sqm to the east of the dwelling which currently forms part of a larger field extending to the south.

The site is located to the south of La Biloterie Road and is Outside of the Centres. The dwelling is a protected building. The site is located in a semi-rural area. La Biloterie Road is bounded by a ribbon development of residential properties interspersed with pockets of agricultural land. To the south of the site the area comprises of pockets or swathes of open and undeveloped agricultural land, separated by earth banks and planting, and interspersed with isolated dwellings and intermittent ribbon development of residential properties along highways.

Relevant History:

23/01/2023 – FULL/2022/1340 – Application refused for the change of use of agricultural land to garden to east of site (288 sqm).

Existing Use(s):

Agricultural use class 28
Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested for a revised scheme to change the use of a parcel of agricultural land measuring approximately 300sqm to domestic land associated with the dwelling to the west, currently known as The Barn.

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

Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas
Policy GP1: Landscape Character and Open Land
Policy GP8: Design
Policy GP13: Householder Development
Policy GP15: Creation and Extension of Curtilage

Representations:

None

Consultations:

None

Summary of Issues:

The main issue in deciding this application is the impact on the landscape character and openness of the area.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Planning permission was refused in January 2023 for the change of use of an area of agricultural land to a garden (FULL/2022/1340). The application was refused on account of the design of a proposed high timber fence along the east and south boundaries and its impact on the landscape character of the area. This current application is for a revised scheme involving a similar area of land but omitting the previously proposed fence and replacing it with a mixed hawthorn and blackthorn hedge.

The proposal to change the use of the land to a domestic use falls to be considered principally under Policies OC5(B), GP15, GP1 and GP8 of the Island Development Plan.

The site is not within an Area of Biodiversity Importance or an Agriculture Priority Area and the proposed use of the land for domestic purposes would have no adverse effects on neighbouring residents.

The site is located within the Western Bays landscape as identified in Annex V of the Island Development Plan and the character of the area is most akin to the West Coast Mares subzone.

The land the subject of this application forms part of a larger agricultural field which extends to the south and provides a break in the ribbon development of properties along La Biloterie Road and Longue Rue. By virtue of the change in levels and the well-established vegetation along the north boundary, the land the subject of this application is not currently visually prominent from the public highway La Biloterie Road but it would be visible from Longue Rue to the south-east. When viewed from Longue Rue, due to its relatively modest size and its relationship with existing dwellings to the west, east and north, the land the subject of this application would not visually appear to form a significant part of the larger agricultural field and in principle the change of use of the land by itself may not have a significant adverse effect on the landscape character of the area. The proposed hawthorn and blackthorn hedge along the east and south boundaries would respect the landscape character of the area.

The proposed shed would be reasonably well related to the existing built form and together with its modest scale, the shed would have no significant adverse effects on the landscape character and openness of the area.

Overall the proposed change of use is unlikely to have any significant adverse effects on the landscape character of the area, in accordance with Policies GP1, GP8 and GP15.

However, the exception to this would be if exemption rights for domestic land are implemented to enable the installation of high fences and walls around the domestic boundaries or the erection of a large freestanding garage or other outbuilding under Class 1 section 14. As a result it is recommended that the exemption rights for fences

and walls and large freestanding garages or other outbuildings is revoked for the area of land subject to this application, this can be dealt with by condition.

The planting of a hawthorn and blackthorn hedge along the east and south boundaries together with other proposed measures such as the creation of wild flower lawns, tree planting and the installation of a bat box would provide proportionate biodiversity enhancements, taking into account the modest area of land involved. Precise planting details of the native hedge, wildflower lawns and trees and the management of the wildflower lawns can be requested by condition. 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.

Date: 04/07/2023