

**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 (178sqm) and erect shed along south-east boundary.

**LOCATION:** Maplewood, 3 La Heche Cottages, Route De La Passee, St. Sampson.

**APPLICANT:** Mr J Mapley

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:** 22/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Block Layout Plan and details of shed

**Application Ref:** FULL/2023/0798

**Property Ref:** B01864A000

**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 three months of the date of this permission, details of the native hedge to be planted shall be submitted to and agreed in writing by the Authority. The details shall include full planting schedules including species, size at the time of planting, number of and/or densities of plants.

Reason - In the interests of visual amenity and biodiversity.

5.The landscaping scheme shall be fully completed, in accordance with the approved Block Layout Plan 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.

**Expiry Date: This permission will cease to have effect on 21/06/2026 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](http://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](mailto: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/2023/0798  
**Property Ref:** B01864A000  
**Valid date:** 19/05/2023  
**Location:** Maplewood 3 La Heche Cottages Route De La Passee St.  
Sampson Guernsey  
**Proposal:** Change of use of agricultural land to domestic garden (178sqm)  
and erect shed along south-east boundary.  
  
**Applicant:** Mr J Mapley

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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## OFFICER'S REPORT

### Brief Description of the site:

Planning permission is requested for the change of use of a parcel of agricultural land measuring 178sqm to a domestic garden associated with the dwelling Maplewood and to erect a timber shed measuring 6m by 3m.

The site comprises of an end of terrace dwelling situated to the south-west of Route de La Passee. The agricultural land the subject of this application is situated to the south-west of the dwelling and has been subdivided from a large agricultural field to the south-west by an earth bank which was created between 2001 and 2004. The site is Outside of the Centres.

### Relevant History:

14/04/2023 – PREA/2023/0589 – Pre-application advice regarding extend domestic curtilage and erect a shed.

### Existing Use(s):

Agricultural use class 28

Residential use class 1: dwelling house

### Assessment: *(Tick as appropriate)*

no representation  
accords with policy  
within curtilage  
design acceptable

|                                     |
|-------------------------------------|
| <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> |
| <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> |

visual amenity acceptable  
no material neighbour impact  
traffic not affected

|                                     |
|-------------------------------------|
| <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> |

**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 existing boundary features are proposed to be removed and the proposed change of use would not of itself have an adverse impact on or affect the amenities of neighbouring residents.

The land the subject of this application is partially visible from Route de La Passee with the existing dwelling limiting views from Route de La Passee. The land abuts the south-west gable of the dwelling and together with its modest size, it appears well related to the existing dwelling and it does not form a significant part of the wider area of open and undeveloped land to the south-west. An established earth bank, albeit unauthorised, separates the land from the wider area of open and undeveloped land to the south-west. As a result, the proposed change of use of the land is unlikely to have a significant adverse effect on the landscape character of the area, in accordance with Policies GP15 and GP1.

The siting and modest size of the shed would have no adverse effects.

The planting of native hedging along the south-west boundary and in the south-east corner of the site would provide proportionate biodiversity enhancements, taking into account the limited area of land involved. Precise planting details of the native hedge 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.

**Recommendation:**

Grant with Conditions

**Date:** 22/06/2023

