

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 (2,935sqm).

LOCATION: Les Clercs Du Campere, Rue Du Campere, St. Pierre Du Bois.

APPLICANT: Mr & Mrs Veron

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: 26/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/04/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7723-01/A1 and B1.

Application Ref: FULL/2023/0812

Property Ref: F009230000

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 by 31st March 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 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.Prior to the end of the planting season following this grant of consent (by 31st March 2024) a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of proposed native wildflower seed mix including source,
- iii) planting schedules, noting the species, sizes, numbers and densities of plants and bulbs;

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

5.The landscaping scheme shall be fully completed, in accordance with the details in the submitted information as required by Condition 4, by the end of the planting season following the grant of consent (by 31st March 2024). Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and ensure the biodiversity improvements are achieved following the change of use of the land.

6.The existing copse of trees along the western boundary of the site as shown on plan 7723-01 A1 shall be retained and shall not be felled, lopped, topped or uprooted without the previous written agreement of the Authority. Any trees removed, dying, being severely damaged or becoming seriously diseased shall be replaced with trees of such size and species as previously agreed in writing by the Authority within one year of the date of any such loss, for a period of five years from the date development begins.

Reason - The trees are important features in the area, contributing to visual amenity and supports the biodiversity interest on site.

Expiry Date: This permission will cease to have effect on 25/06/2026 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 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/2023/0812
Property Ref: F009230000
Valid date: 24/04/2023
Location: Les Clercs Du Campere Rue Du Campere St. Pierre Du Bois
Guernsey GY7 9DA
Proposal: Change of use of agricultural land to domestic garden
(2,935sqm).
Applicant: Mr & Mrs Veron

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.

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Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and ensure the biodiversity improvements are achieved following the change of use of the land.

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Reason - The trees are important features in the area, contributing to visual amenity and supports the biodiversity interest on site.

OFFICER'S REPORT

Brief Description of the site:

The site is located on Rue du Campere in St Pierre du Bois. The site is roughly rectangular and bound by Rue des Clercs along the western boundary, the land slopes very steeply up from the road which sits in a valley and the existing residential garden also slopes up approx. 2m from the dwelling, then flattens out across the remaining site.

There are hedge boundaries to the east and south with an additional access from the road to the south west. There is a dense existing area of woodland/copse on the steep slope up from the road which covers around 50% of the area which is currently agricultural.

The site is located Outside the Centre, as designated in the Island Development Plan (IDP). It is also adjacent to the Agricultural Priority Area (APA) which lies immediately to the south.

The proposal is for the change of use of agricultural land to use as residential garden in association with the residential occupation of the dwelling Les Clercs du Campere.

Relevant History:

N/A

Existing Use(s):

28 Agricultural
01 Residential

Representations:

One letter has been received from La Societe raising the following issues:

- Concern over the reclassification of agricultural land to domestic garden
- The dwelling has a substantial garden already and the proposed extension is large.
- Site adjoins APA to southern boundary
- Proposed enhancement measures could be undertaken on agricultural land, no need to change the use, and the proposals are insufficient for a curtilage extension of nearly 3,000sqm.

Assessment: *(Tick as appropriate)*

no representation

☐

accords with policy

☒

within curtilage

☐

design acceptable

☒

visual amenity acceptable

☒

no material neighbour impact

☒

traffic not affected

☒

Policies considered most relevant:

GP1- Landscape character

GP8 - Design

GP15 – Creation and extension of curtilage

Strategy for Nature SPG

Conclusion/Brief comment:

Principle of development

As the application is for a change of use from agricultural land to use as 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 and is not within an APA. The change of use to residential garden is not considered to have an unacceptable impact on the landscape character as the area of land is bounded by roads and residential development on three sides. The mature hedging of the roadside boundary and trees located on the steep roadside bank contribute positively to the wider landscape but would not be lost as a result of the change of use, and is in accordance with the requirements of Policies GP1 and GP15 of the IDP.

Biodiversity

The Guernsey Habitat Survey 2018 identified the existing garden and north eastern section of the proposed garden as amenity grassland, with a section of improved grassland to the centre, dense scrub to the south and south east, with the existing copse identified to the west.

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.

The application's submission and Plan 7723-01 B1 proposes wildflower and lavender planting to the amenity grassland slope where the existing garden meets the field, bulbs to be planted on the edge of the copse and three bug hotels are proposed to be located within the copse. Further information is required regarding the type of seeding, number/species of bulbs and this detail and the implementation can be secured by condition and therefore the scheme accords with the aims of the Strategy for Nature and helps to secure an improvement in on-site biodiversity. A condition

has been added to secure the retention of the copse which is both important in the landscape setting, and in terms of biodiversity.

Although La Societe considers the proposed enhancements to be insufficient, the introduction of native wildflower and lavender planting to the relatively low value amenity grassland will create additional habitats and improve its biodiversity value. The planting of bulbs, retention of the copse, and installation of bug hotels also assists in securing an improvement within the site, and so on balance, the proposals are considered acceptable in relation to the Strategy for Nature aims to build ecosystems, enhance and protect habitats.

The conditions include a commencement condition and the landscaping works proposed will be conditioned to be completed by the end of the planting season which follows the grant of permission, in this case 31st March 2024. This is to ensure that the biodiversity enhancements approved as part of the application are carried out within a reasonable amount of time after the implementation of the change of use which is considered to occur immediately after the grant of permission.

Other considerations

The impact on neighbours is considered to be limited due to the position of the site, and spacious setting of neighbouring dwellings. The use of the land as garden is not considered to be any more harmful to neighbours than the existing agricultural use in terms of the potential for noise or disturbance.

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: 13/06/2023

