

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Change of use from agricultural land to domestic garden (4,740sqm).

LOCATION: Westwood, La Rue Au Cammu, Rue Des Grons, St. Martin.

APPLICANT: Mr & Mrs Barker

I refer to the application referred to below received as valid on 12/06/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 08/11/2023

Drawing Nos: A7 Design Ltd: 21-1357/PD-01A.

Application Ref: FULL/2023/0924

Property Ref: J01078A000 + J010810000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The information provided with the application regarding additional soft landscaping and the management of the land does not demonstrate that the proposed change of use of this sizeable parcel of land will result in proportionate enhancements to biodiversity. As a result the proposal does not accord with the 2020 Strategy for Nature Supplementary Planning Guidance.

OTHER REMARKS:-

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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2023/0924
Property Ref: J01078A000 + J010810000
Valid date: 12/06/2023
Location: Westwood La Rue Au Cammu Rue Des Grons Rue Des Grons St.
Martin Guernsey GY4 6JR
Proposal: Change of use from agricultural land to domestic garden
(4,740sqm).
Applicant: Mr & Mrs Barker

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The information provided with the application regarding additional soft landscaping and the management of the land does not demonstrate that the proposed change of use of this sizeable parcel of land will result in proportionate enhancements to biodiversity. As a result the proposal does not accord with the 2020 Strategy for Nature Supplementary Planning Guidance.

OFFICER'S REPORT

Site Description:

The site consists of a detached dwelling and associated domestic land and an extensive area of agricultural/undeveloped land to the north and south of the dwelling comprising of a mix of open grassed fields and woodland and measuring approximately 18,900sqm. The site is located Outside of the Centres.

Relevant History:

13/06/2022 – FULL/2022/0951 – Permission granted to demolish porch, west chimney and external staircase, erect external staircase and balcony to south (rear) elevation. Install external insulating render system, cladding and alterations to fenestration.

Existing Use(s):

Agricultural use class 28
Residential use class 1

Brief Description of Development:

Planning permission is requested to change the use of a parcel of agricultural/undeveloped land measuring approximately 4,740sqm to domestic land associated with the dwelling Westwood.

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 GP15: Creation and Extension of Curtilage

Representations:

One letter of representation was received on behalf of La Société Guernesiaise: “La Société remains concerned over the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan currently permits the consideration of such applications, we seek to optimize ecological gains in such cases wherever possible.

We would suggest that this extension to curtilage is excessive and believe the landowner could continue to maintain much of the property in its existing state if its current agricultural land classification was retained. We would therefore question why the landowner is applying for the change in use.

We note that the application includes extremely limited biodiversity measures. We do not consider these to be of a sufficient scale in respect of the very large curtilage extension. Further, it is also feasible that the existing grassland may already be of ecological value and as such, its removal and re-seeding with an imported seed mix could lead to a loss of biodiversity. We suggest that the agent’s claim that the proposals would lead to a net biodiversity gain may be unjustified and would recommend that the existing habitats be assessed by a suitably qualified person.

If this application is considered further, we wish to advise that La Société would be able to assist with such measures, for example to arrange surveys of the existing site and to provide suitable recommendations on how the land could be enhanced in terms of its ecological value by means of appropriate native planting and ongoing maintenance”.

Consultations:

None

Summary of Issues:

The main issues in deciding this application relate to the principle of the change of use of the land, the impact on the landscape character and openness of the area and whether the proposal would result in biodiversity enhancements.

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).**

The proposal to change the use of the land to a domestic use falls to be considered principally under Policies OC5(B), 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 boundaries are proposed to be removed and the use of the land for domestic purposes is unlikely to have any significant adverse effects on neighbouring residents.

The site is located within the South Eastern Plateau landscape character area as identified in Annex V of the Island Development Plan. The general character of the South Eastern Plateau is described as being *“of established development interspersed with open fields and large mature gardens, all with a complementary cover of garden, hedgerow and roadside trees. Ribbon development has an impact in some areas, although the overall character of much of the area remains intrinsically rural”*.

The land the subject of this application forms part of a larger area of agricultural/ undeveloped land which extends to the west and south and provides a break between development around Saints Road to the east and Rue Des Marettes to the west. By virtue of the well-established vegetation along the north and east boundaries of the site, the land the subject of this application is not currently visually prominent from the public footpath Rue Au Cammu. In addition, due to its relationship with the existing dwelling to the south-east and neighbouring properties to the north and east, the land the subject of this application could be argued to appear relatively well associated with existing built development, as opposed to forming a significant part of the larger area of agricultural/ undeveloped land to the west and south. Provided that the open and undeveloped nature of the land is retained, the change of use of the land would result in a large mature garden which would not be out of character with the general landscape character of the South Eastern Plateau and the proposal is unlikely to have a significant adverse effect on the landscape character of the area, in accordance with Policies GP15 and GP1.

In line with the 2020 Strategy for Nature, which has been adopted as Supplementary Planning Guidance, the Development and Planning Authority has directed that from 1st September 2021 all applications involving the change of use of agricultural land to domestic garden must be accompanied by information demonstrating environmental benefits in respect of biodiversity that will be incorporated should planning permission be granted.

The application as originally submitted had not addressed the 2020 Strategy for Nature or included meaningful environmental benefits that would be implemented on site

should planning permission be granted for the change of use of the land. The agent in this case was invited to provide further details of biodiversity enhancements as a result of the development. In response two small areas of wildflower meadows totalling 140sqm are indicated to be created, the agent highlights the extent of existing planting on the site and comments are provided about woodland management and the management of the wildflower meadows.

The revised proposal includes limited additional planting and insufficient information has been provided about the creation and management of the wildflower meadows to assess whether they would result in a biodiversity enhancement. In addition, whilst comments are provided about woodland management, the comments are generic and lack detail to assess relative enhancements to biodiversity, they appear to relate principally to the woodland to the west as opposed to the land the subject of the change of use, and the comments do not clearly set out how the proposed change of use of this sizeable parcel of land and the subsequent management of the land will result in proportionate enhancements to biodiversity. The proposal does not accord with the 2020 Strategy for Nature Supplementary Planning Guidance.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

It is recommended that the application is refused.

Date: 07/11/2023