

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 (1,680sqm), demolish outbuilding and erect 1.5 storey store/outbuilding and widen vehicle access.

LOCATION: Mulberry Cottage, Les Queritez, Castel.

APPLICANT: Mr & Mrs J Jehan

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: 26/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 21-1254-P2 PD/01B & PD/02A

Application Ref: FULL/2023/0965

Property Ref: D011120000

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.The landscaping planting and management scheme shall be fully completed, in accordance with the approved details included in plan PD-01 B, by the 1st March 2025. 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: To help assimilate the development into its surroundings, and to provide biodiversity enhancements in line with the Strategy for Nature SPG.

Expiry Date: This permission will cease to have effect on 25/10/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the erection of an outbuilding to be used incidentally/ancillary to the principal dwelling presently known as Mulberry Cottage. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

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/2023/0965
Property Ref: D011120000
Valid date: 12/06/2023
Location: Mulberry Cottage Les Queritez Castel Guernsey GY5 7ED
Proposal: Change of use of agricultural land to domestic garden (1,680sqm), demolish outbuilding and erect 1.5 storey store/outbuilding and widen vehicle access.

Applicant: Mr & Mrs J Jehan

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. The landscaping planting and management scheme shall be fully completed, in

accordance with the approved details included in plan PD-01 B, by the 1st March 2025. 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: To help assimilate the development into its surroundings, and to provide biodiversity enhancements in line with the Strategy for Nature SPG.

INFORMATIVES

For the avoidance of doubt, this decision permits the erection of an outbuilding to be used incidentally/ancillary to the principal dwelling presently known as Mulberry Cottage. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

OFFICER'S REPORT

Site Description:

The property known as 'Mulberry Cottage' is a brand new dwelling which is set back and faces east onto Les Querites. The land slopes upward from south to north, there are open fields to the south and wooded land to the west and north. There are other residential properties to the east across the road. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2021/2231 - Erect 1.5 storey extension to north (side) elevation, extend existing 1st floor balcony, install rooflight to west (rear) elevation and install rooflight to east (front) elevation – Approved November 2021.

FULL/2017/2691 - Raise roof height, erect extensions to west and north elevations, demolish outbuilding and erect new outbuilding, alter access – Approved March 2018.

Existing Use(s):

Residential use class 1: dwelling house.
Agricultural use class 28: agriculture.

Brief Description of Development:

This application is for a change of use of 1,680sqm of agricultural land to domestic garden, demolish the outbuilding and erect a one and a half storey outbuilding/store in its place and widen the vehicular opening to 5m.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

GP15: Creation and Extension of Curtilage

Representations:

There has been one letter of representation, dated 13th July, and the issues were: *'La Guernesiaise Societe 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 question whether this extension to curtilage might be considered excessive and if the landowner could undertake much of what is proposed with much of the property retaining its current agricultural land classification.

We note that the application includes some biodiversity measures which we welcome in principle. It is feasible however, that the existing grassland may already be of ecological value and as such, its removal and re-seeding with an imported mix may lead to a loss of biodiversity. We would recommend that the existing habitats be assessed by a suitably qualified person.

We acknowledge that the proposals also include a proportion of land to be 'offered' as ABI land. Whilst this gesture is appreciated, the Service will be aware that potential ABI designations have to be considered against a formal set of criteria in order to determine if they qualify, or would be effective as buffer areas for adjoining SSS land.

Overall, whilst the proposals have some merits, we believe that further work is required to optimise the potential biodiversity gains associated with this location.

Consultations:

ACLMS, dated 25th July.

'I've undertaken a quick desktop assessment of this site and I can see that the grassland appears to be a permanent grassland (i.e. it does not appear to have been cultivated, possibly for in excess of 30yrs) and was classified as 'Improved Grassland' in the 2018 habitat survey. Given the lack of cultivation this grassland has the

potential to support greater diversity than the 'Improved grassland' classification might suggest and I would consider this to be an 'important ecological feature'.

It is likely, therefore, that their proposal to sow a 'wildflower meadow' will lead to a higher ecological impact than the resulting meadow will offset (i.e. it will cause more harm than good). It would be preferable that they simply continue to manage the land as they have outlined, although they could consider reducing the grazing intensity or avoiding grazing in spring/early summer to encourage a greater diversity of wildflowers to establish naturally. If they do wish to create a sown wildflower meadow there then I suggest that they provide proposals to offset that ecological impact.

As well as the physical impacts of cultivating and sowing a grassland, they might find themselves in a position where the field can no longer be grazed by sheep. For example, if the species within the seed mix is not suitable for grazing by sheep, or simply because the grazier may no longer see the land as suitable pasture. At that point the proposed management may not be possible to maintain.'

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The proposals for the new outbuilding are considered to achieve a good standard of design, using materials which complement the existing materials. The extension will provide adequate levels of sunshine and daylight, and give the occupiers more flexible and adaptable accommodation.

The scale and massing of the new outbuilding is not considered to have a detrimental effect on the character and amenity of the surrounding area, nor will it have any impact on either of the immediate neighbours.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

Although all of the proposals for the agricultural land could be carried out without a change of use of the land, the Island Development Plan does facilitate the consideration of such an application. The drawings have had to be amended a few times in order to achieve adequate levels of biodiversity enhancement, which led to omitting the wildflower meadow in the southeast corner of the land as this was identified as being grassland with important ecological value.

The change of use is not considered to have an unacceptable detrimental impact on the landscape character, it is not in or near to an Area of Biodiversity Importance. The land would not easily be able to be utilised for commercial agriculture due to the topography, but the land to the south, the grassland will continue to be grazed as it has been to maintain the existing biodiverse field habitat.

The boundary features are predominantly of native hedging and the proposals are to enhance these boundaries by adding more native species to the areas of boundary without hedging. None of the proposals would have any impacts on any neighbour amenity.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 26/10/2023

