

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 (270 sq.m.) and erect fence to south-east boundary.

LOCATION: Courtils A L'Or, Rue De La Cache, St. Andrew.

APPLICANT: Mr C Goldsbrough

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: 10/07/2023

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: Location Plan 1:1250, Block Layout Plan 1:500, Species and Planting Plan.

Application Ref: FULL/2023/0973

Property Ref: K000530000

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 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.

3. Any trees planted in accordance with the submitted Biodiversity and Landscaping Plan which are 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, in the interests of residential amenity and to provide biodiversity enhancements in line with the Strategy for Nature SPG.

Expiry Date: This permission will cease to have effect on 09/07/2026 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/2023/0973
Property Ref: K000530000
Valid date: 24/05/2023
Location: Courtils A L'Or Rue De La Cache St. Andrew Guernsey GY6 8TH
Proposal: Change of use of agricultural land to domestic garden (270 sq.m.) and erect fence to south-east boundary.

Applicant: Mr C Goldsbrough

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 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.

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Reason - To help assimilate the development into its surroundings, in the interests of residential amenity and to provide biodiversity enhancements in line with the Strategy for Nature SPG.

OFFICER'S REPORT

Brief Description of the site:

The application property comprises a 1 ½ storey detached house, set back from and above the level of Rue de la Cache, and located Outside of the Centres under the Island Development Plan.

Relevant History:

PREA/2023/0117- Advice sought on the change of use of agricultural land to domestic garden.

Existing Use(s):

01 – Residential Dwellinghouse

28 – Agricultural

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:

OC5(A) – Agriculture Outside the Centre (within the APA)

GP1- Landscape Character

GP8 – Design

GP15 – Curtilage extension

Strategy for Nature SPD

Conclusion/Brief comment:

The principal aim of the Island Development Plan is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely.

GP15 is particularly relevant, this states that a proposal to create or extend curtilage will be supported where:

- a. It would not have an unacceptable detrimental impact on the landscape character; and,
- b. It would not have an unacceptable impact on the biodiversity interest of an Area of Biodiversity Importance or, where negative impacts are unavoidable, they can be acceptably mitigated in accordance with a scheme to be agreed with

the Authority in accordance with Policy GP3: Areas of Biodiversity Importance (ABI); and,

- c. It is demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area (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 that contribute positively to the character of an area, unless the new or replacement boundary treatment makes an equal or enhanced positive contribution to the character of the area; and,
- e. It would not adversely affect the reasonable amenities of neighbouring residents.

The site is not located within an ABI, and the dwelling and existing garden lie outside the APA, while the land proposed to be included in the domestic garden is within the APA.

The existing dwelling benefits from a reasonably large front and rear garden, although there is only a 1.5m separation distance between the southern elevation of the dwelling and adjoining agricultural land. The land proposed to be included within the garden is a narrow strip 5m wide at the western end and 2m wide to the eastern end and is well related to the dwelling, providing a minimal loss of agricultural land. The inclusion of a post and rail fence to the boundary provides the opportunity to prevent any encroachment of domestic uses onto the remaining agricultural land, and a high level of biodiversity enhancements have been proposed. The small-scale proposal does not amount to a significant loss of agricultural land and there is no reason to believe that the proposed change of use of the land in question would affect the viability of the remaining agricultural land.

The proposed change of use of the land is not considered to have a harmful impact on the landscape character as post and rail fencing is proposed which is appropriate in this open rural setting.

It is therefore considered that the proposal does not conflict with Policies OC5(A), GP15 and GP1 of the IDP.

The application is supported by a Biodiversity Statement by Guernsey Trees for Life which proposes the (retrospective) planting of 20x native tree species along the boundary, within the existing agricultural strip which is primarily amenity grassland. The planting provides a more than proportionate biodiversity enhancement, taking into account the limited area of land involved and fulfils the requirements of the Strategy for Nature SPD.

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: 04/07/2023