

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 (1610 sq.m.), extend earth bank to north-east boundary, erect roadside wall and alter vehicle access to south-east boundary.

LOCATION: Acrefield Cottage, Route Du Camp Du Roi, St. Sampson.

APPLICANT: Aladdin Holdings Limited

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: 07/07/2023

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: A7 Design Ltd - 17-962 PD/06

Application Ref: FULL/2023/0975

Property Ref: B014720000

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 scheme shall be fully completed, in accordance with the details agreed under the terms of this permission, 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 biodiversity and the requirements of the Strategy for Nature SPG.

5.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no sheds, greenhouses, outbuildings or other buildings or structures shall be erected or constructed on the land that is now incorporated within the domestic curtilage of the dwelling currently known as Acrefield Cottage.

Reason - The carrying out of development of this type may cause harm in terms of the overall appearance and character of the area and its impact on the amenity of neighbouring dwellings.

Expiry Date: This permission will cease to have effect on 06/07/2026 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/2023/0975
Property Ref: B014720000
Valid date: 24/05/2023
Location: Acrefield Cottage Route Du Camp Du Roi St. Sampson
Guernsey GY2 4XE
Proposal: Change of use of agricultural land to domestic garden (1610
sq.m.), extend earth bank to north-east boundary, erect
roadside wall and alter vehicle access to south-east boundary.
Applicant: Aladdin Holdings Limited

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.

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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 scheme shall be fully completed, in accordance with the details agreed under the terms of this permission, 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.

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Reason - The carrying out of development of this type may cause harm in terms of the overall appearance and character of the area and its impact on the amenity of neighbouring dwellings.

OFFICER'S REPORT

Brief Description of the site:

Acrefield Cottage, Camp du Roi is a detached cottage with rough render exterior and pitched roof. A catslide roof extension exists to the rear of the property along with a porch extension. A lean-to timber extension is situated to the side of the dwelling and a detached outhouse to the immediate rear of the dwelling. The front site boundary is marked by a low wall and the boundary with the two-storey dwelling Acre Field to the south west is marked by a rendered wall. The boundary to the field to the north east of the site is marked by a hedge. A two-storey dwelling, known as Holmdene, exists opposite Acrefield Cottage, set back from the road.

The site is located Outside of the Centres and the property is a pre-1900 building.

The application relates to the widening of the existing vehicular access, from 3.1m to 3.6m, by removing the existing roadside hedge which returns into the existing driveway along with the removal of the hedge that forms the boundary with the adjoining agricultural land to the northeast. The hedge to Camp Du Roi is to be replaced with a 0.9m high granite wall which represent exempt development. The application also relates to the change of use of agricultural land to domestic garden (1610sqm) with the existing roadside earthbank extended along the southeast and north site boundaries.

The scheme also proposes new planting across the site in order to address the requirements of the Strategy for Nature. Hedge planting is proposed around the southeast, north and northwest boundaries, inside the proposed earthbank along with tree planting in the northern corner of the site underplanted with a wildflower meadow. New trees are also proposed inside the bank and hedge to the southeast boundary and to the front of the existing cottage, within the existing domestic garden.

Relevant History:

FULL/2017/2021 - Demolish lean-to extensions to side and rear of dwelling and porch and outbuilding to rear of dwelling. Raise ridge height of cottage and install dormers to front and rear roofslopes. Erect single-storey flat roof extension to rear of dwelling and mono-pitched roof extension to side of dwelling. Install insulating render – granted

FULL/2018/

Existing Use(s):

01 dwelling-house
28 agriculture

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

GP15: Creation and Extension of Curtilage
GP1: Landscape Character and Open Land
GP13: Householder Development
GP8: Design
GP9: Sustainable Development
IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

The parcel of land is situated to the side of Acrefield Cottage and is currently open and prominent adjacent to Route du Camp du Roi.

The principle of the change of use of agricultural land to domestic garden has been established through the grant of planning permission in 2018 (see history above).

This permission has not been implemented and has now lapsed. There has not however, been a material change in the policies against which an application for the change of use of land would be assessed. There has also been no significant changes on or surrounding the site which would alter the conclusion that the change of use of land to domestic garden would be acceptable in this instance. It is considered that the change of use would accord with Policy GP15 a)- e) and provided that the proposal accords with all other relevant policies of the IDP, the principle of change of use to domestic curtilage is considered to be acceptable in this particular location.

The principle of removing the hedge planting to the front of Acrefield Cottage has also previously been granted planning permission along with a replacement 0.9m granite boundary wall with gate pillars to the vehicular access. The removal of the roadside earth bank and the erection of a 0.9m high wall would preserve the landscape character of the area. The widening of the vehicular access as indicated would not have a detrimental impact on the character and appearance of the locality and would improve access/egress from the site.

The removal of the existing hedge to the southern site boundary with the dwelling was granted permission in 2018. The hedge does not make a particular contribution to the landscape character of the area and its removal remains acceptable.

None of the works proposed will have a detrimental impact on the amenities of surrounding residential neighbours.

The previous permission for the change of use of land included a condition relating to the removal of exemption rights. Although this current scheme proposes a substantial level of planting which would offer screening of buildings etc. erected within the garden area of the property the exemption rights have been extended since the earlier application was considered and it remains reasonable to impose a condition regarding this matter.

The planting will be required by condition in order to address the requirements of the Strategy for Nature. Given the changes to exemptions rights that were introduced in 2023 and the screen planting proposed it is no longer considered appropriate to impose a condition removing exemption rights in this case.

The planning conditions include a condition limiting the period within which the development may be commenced, 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 in practical terms immediately after the grant of permission.

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.

In view of the above it is recommended that planning permission is granted for the change of use of land proposed subject to appropriate planning conditions.

Recommendation:

Grant with Conditions



Date: 06/07/2023

