

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 (1,334.45 sq.m.).

LOCATION: Island House, Forest Road, Forest.

APPLICANT: Mr N G Robson

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: 22/09/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan and three photos (Dated 27/06/2023) Biodiversity Statement (Dated 06/09/2023).

Application Ref: FULL/2023/1163

Property Ref: H002730000

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.Notwithstanding the hereby approved biodiversity statement, a management plan of a new reduced mowing regime shall be submitted to and agreed in writing by the Authority within six weeks of the date of approval.

Reason - To improve biodiversity on site.

5.The material under the fruit trees shall be permanently removed within 12 weeks of the date of approval of this application.

Reason - To improve the quality of the soil and to allow wildlife to flourish.

Expiry Date: This permission will cease to have effect on 21/09/2026 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/2023/1163
Property Ref: H002730000
Valid date: 19/07/2023
Location: Island House Forest Road Forest Guernsey GY8 OAB
Proposal: Change of use of agricultural land to domestic garden (1,334.45 sq.m.).

Applicant: Mr N G Robson

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

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INFORMATIVES

OFFICER'S REPORT

Site Description:

The property known as 'Island House' is an early 20th century two and a half storey dwelling which has been extended over the years. The house is set back from and faces south onto Forest Road. There are detached neighbours to the east and west and beyond the agricultural land (proposed garden) to the north. The property is located Outside of the Centres and the existing domestic curtilage is within a Conservation Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

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 the agricultural land to the north of the site into domestic garden (1,334.45sqm).

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

GP1: Landscape Character and Open Land

GP8: Design

GP15: Creation and Extension of Curtilage

Representations:

There have been two letters of representation and the issues are:

- The representor wanted to point out that biodiversity enhancements had not been detailed for this application.
- The other representor acknowledged that many fruit trees had been planted, but suggested that there are extensive areas of short formal lawn, some of which could be subject to a revised mowing regime in order to support wildlife.

Consultations:

Agriculture, Countryside & Land Management Services (ACLMS)

'It does appear that the land has been managed as a garden since something between 1990 and 1996, and I would certainly agree that the biodiversity of the site has increased since 1996.

Additional improvements could be made on the site. For example, material laid down beneath the fruit trees is visible in some of the photos – this will prevent growth of any native vegetation beneath the trees, disrupt the function of the soil, and restrict the wildlife which lives in or on the ground. It also appears that the grassland is heavily managed which will also reduce the biodiversity the site can support. Either of these things could be addressed and provide real benefits to the biodiversity the site can support.'

Summary of Issues:

- Extent of biodiversity enhancements.
- Impact of the change of use on the character and appearance of the area.
- Impact of the change of use 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.

As soon as the application was validated it was apparent that a biodiversity statement had not been submitted. The application was deferred to request that a statement was prepared and submitted.

The applicant duly submitted a statement showing the extent of the planting which has taken place over the last twenty plus years, since the property has been in the applicants ownership. Over 60 trees have been planted, many of them are now mature and fruit yearly, which provides a lot of food for birds and insects. There is a bug hotel, an area where logs are left to rot naturally for the benefit of wildlife and a compost heap for grass cuttings that is not disturbed for hedgehogs.

Despite the land having an open field to the west and agricultural land to the east, the only has access is from the south, through the domestic curtilage of the property. The west, north and east boundaries comprise dense bushes and trees, and hedges, all of which contribute to the biodiversity of the area.

Along with a management plan for reduced mowing and lifting of the material under the fruit trees, to which the applicant has agreed. It is considered that there has been and continues to be enough biodiversity enhancement happening on site for this application to be supported.

The proposals would not have an unacceptable detrimental impacts on the landscape character, because there will be no changes to the landscape or to the boundaries. With no changes to the boundaries, it means the land will not be able to positively contribute to the commercial agricultural use of the adjacent Agriculture Priority Area (to the west). Lastly the change of use of the land would not have any adverse effects on any of the neighbours 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: 20/09/2023