

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 (220sqm) (retrospective), erect earth bank and create agricultural vehicle access.

LOCATION: Le Ruisseau, Rue Du Douit Du Moulin, St. Pierre Du Bois.

APPLICANT: Mr & Mrs C Brouard

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: 13/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan
Proposed Block Layout Plan
Details of Gates
Earth bank cross section
Environment Guernsey Biodiversity Statement dated May 2023
Applicant email dated 19/10/2023

Application Ref: FULL/2023/1236

Property Ref: F00403A000

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, land management regime for the remaining agricultural/undeveloped land and the earth bank along the boundaries of the extended domestic land shall be fully completed/implemented by the 31/03/2024, in accordance with the Environment Guernsey Biodiversity Statement dated May 2023 and as updated by the applicant's email dated 19/10/2023. 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 visual amenity and biodiversity.

5.The existing boiler shed, chimney and greenhouse stone pillars shall be demolished and removed from the site by 31/03/2024.

Reason - In the interests of visual amenity.

6.The pedestrian gate in the west boundary of the extended domestic land shall be installed by 31/03/2024.

Reason - To prevent the encroachment of domestic uses onto the adjoining agricultural/undeveloped land.

Expiry Date: This permission will cease to have effect on 12/11/2026 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/2023/1236
Property Ref: F00403A000
Valid date: 27/07/2023
Location: Le Ruisseau Rue Du Douit Du Moulin St. Pierre Du Bois
Guernsey GY7 9HR
Proposal: Change of use of agricultural land to domestic garden
(220sqm) (retrospective), erect earth bank and create
agricultural vehicle access.
Applicant: Mr & Mrs C Brouard

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.

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OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested for the change of use of a parcel of agricultural land measuring 220sqm to domestic land, erect an earth bank to define the domestic and agricultural uses and create a 4m wide agricultural vehicle access. The application is partially retrospective in so far that part of the agricultural land is currently being used for domestic purposes.

The eastern section of the site comprises of a detached 1½ storey dwelling located to the north of Rue du Douit du Moulin. The remainder of the site, to the west of the dwelling, is an agricultural field/undeveloped land which is designated as an Area of Biodiversity Importance. The property is situated Outside of the Centres and is surrounded to the north, east and south by open agricultural/undeveloped land which is designated as a Site of Special Significance.

Relevant History:

09/12/2022 – PREA/2022/2138 – Pre-application advice regarding extend domestic curtilage.

Oct 2022 – Enforcement Investigation pending regarding part of agricultural land used as an extension of domestic garden.

01/06/2022 – FULL/2022/0451 – Permission granted to demolish outbuilding and shed, erect 1.5 storey link extension to west (side) elevation and install air source heat pump to east (side) elevation.

14/07/2016 – FULL/2016/1148 – Permission granted to raise ridge height and extend and alter dwelling.

Existing Use(s):

Agriculture use class 28
Residential use class 1: dwelling house

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:

Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

Policy GP1: Landscape Character and Open Land

Policy GP2: Sites of Special Significance

Policy GP3: Areas of Biodiversity Importance

Policy GP8: Design

Policy GP15: Creation and Extension of Curtilage

Consultation:

Agriculture, Countryside and Land Management Services, 24/08/2023

“We are writing in response to the publication of the above retrospective planning application for the change of use of agricultural land to domestic garden within an Area of Biodiversity Importance.

As per Policy GP3: Areas of Biodiversity Importance, biodiversity interest of the site should be considered and taken into account at the outset of a development and opportunities to protect and enhance the biodiversity interest should be considered. This has clearly not been the case in this proposed development as the application is retrospective and the ecological report contains photographs in which areas of hard standing within the ABI can be clearly seen. Therefore, this application would appear to be contrary to the spirit of the policy.

We welcome the accompanying ecological report (Le Ruisseau, St Peters Biodiversity Statement, Environment Guernsey 2023). Introduction of the appropriate management recommended in the report of both the area included within the change of use application but which is not concrete, and the retained agricultural land would appear to provide suitable mitigation of the impact of the development of the concrete base for the trampoline. This is subject to the long-term management of the remaining grasslands, which the Authority may wish to consider securing through the application of planning conditions or planning covenant, as per Policy GP3.

Please do not hesitate to contact us if you have any queries about this response and we would also be happy to discuss the points raised with the applicant or their representative”.

Conclusion/Brief comment:

During the course of consideration, the application was deferred due to concerns that the proposed change of use of the area of undeveloped/agricultural land to domestic land did not sufficiently take into account or protect the biodiversity interest of the area and there were concerns about the impact on the landscape character of the area.

Revised plans have been received which seek to address the concerns raised and include a reduction in the area of land the subject of the change of use from 720sqm to 220sqm and additional details have been provided about the proposed measures to enhance the biodiversity interest of the area, including details of the management of the remainder of the agricultural/undeveloped land.

The proposal to extend the domestic curtilage falls to be considered principally under Policies GP15, GP1 and GP3 of the Island Development Plan.

The site is not within an Agriculture Priority Area, no existing boundary features are proposed to be removed and the proposed change of use would not of itself have an adverse impact on or affect the amenities of neighbouring residents.

The land the subject of this application is visible from Rue Du Douit Du Moulin and Route De Rocquaine and it forms part of a wider area of open and undeveloped land extending to the north and south. However, the revised plans include a substantial reduction in the area of land that is the subject of the change of use. The proposed 220sqm area of land forms a limited parcel of land set back from the road frontage, it is well related with the existing dwelling and its inclusion within the domestic curtilage of the dwelling would have a limited impact on the wider area of open and undeveloped land. In addition, the applicant has confirmed that an existing boiler house and greenhouse stone pillars would be removed. An earth bank and hedging is proposed to separate the extended domestic land from the remaining agricultural/undeveloped land, and the proposed change of use of the land is unlikely to have a

significant adverse effect on the landscape character of the area, in accordance with Policies GP15 and GP1 and having regard to the land designation as an Area of Biodiversity Importance.

The entire area of land beyond the existing domestic curtilage is designated as an Area of Biodiversity Importance which, according to the Habitat Survey of 2018, mainly consisted of semi-improved marshy grassland and improved grassland with some small areas of swamp and dense scrub. The site operates as a buffer zone and corridor for the adjacent Site of Special Significance and has the potential to contribute towards the creation of a larger and more effective 'safe' area for wildlife.

Policy GP3 does not apply to householder development within domestic curtilage. Therefore, the potential impact of supporting a change of use of land designated as an Area of Biodiversity Importance to domestic land is that the Area of Biodiversity Importance protection would effectively be removed.

The application is supported by a Biodiversity Statement dated May 2023 by Environment Guernsey Ltd. The revised proposal involving the change of use of a limited area of land measuring 220sqm together with the measures proposed to mitigate the change of use of the land, is sufficient to demonstrate that the biodiversity interest of the site has been considered and protected. The revised proposal ensures that the majority of land remains as undeveloped land and would continue to fulfil its role as a wildlife corridor between the adjacent Sites of Special Significance. The biodiversity interest of the site would be enhanced through the proposed management regime for the remaining agricultural/ undeveloped land, the creation of an earth bank planted with a Hawthorn hedge along the boundary of the extended domestic land and the removal of the existing boiler shed and greenhouse stone pillars. The proposed change of use of the land accords with Policy GP3 and is unlikely to have any adverse effects on the adjacent Sites of Special Significance, in accordance with Policy GP2.

The creation of an independent vehicle access to the agricultural land will enhance the potential options for the agricultural use and management of the land whilst having a limited impact on the character and appearance of the area.

The creation of an earth bank planted with a Hawthorn hedge and the proposed management regime for the remaining agricultural/ undeveloped land would provide proportionate biodiversity enhancements, taking into account the limited area of land involved. To ensure that appropriate biodiversity enhancements are achieved in a timely manner, and taking into account the partially retrospective nature of the application, it is recommended that the proposed landscaping scheme is completed by the end of the current planting season, i.e. by 31/03/2024.

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.

It is recommended that the application is approved.

Recommendation:

Grant with Conditions



Date: 06/11/2023