

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 (920sqm).

LOCATION: Ventimiglia, Les Salines Road, St. Sampson.

APPLICANT: Ms J Firrisi

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: 05/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block layout plan (date stamped received 28/07/2023) & Sketch Plan and covering letter (both date stamped received 14/09/2023).

Application Ref: FULL/2023/1248

Property Ref: B01602A001+B01602A002

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.Within three months of the date of this decision, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting;
- ii) full details of the planting, method of implementation and the ongoing management of the wild meadow areas;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;

Reason - In the interests of visual amenity and biodiversity.

5.The landscaping scheme shall be fully completed in accordance with the details agreed under the terms of the above condition 4, by the 31/03/2025. 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 - In the interests of biodiversity and the requirements of the Strategy for Nature SPG.

Expiry Date: This permission will cease to have effect on 04/10/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With regard to condition number 4 of this permission, the Authority has produced guidance relating to biodiversity enhancements and the creation of Wildflower Meadows which should be referred to in the submitted landscaping scheme. The advice is available at the following link: https://www.gov.gg/planning_building_permissions

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/2023/1248
Property Ref: B01602A001+B01602A002
Valid date: 28/07/2023
Location: Ventimiglia Les Salines Road St. Sampson Guernsey GY2 4FQ
Proposal: Change of use of agricultural land to domestic garden (920sqm).

Applicant: Ms J Firrisi

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. Within three months of the date of this decision, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting;
- ii) full details of the planting, method of implementation and the ongoing management of the wild meadow areas;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;

Reason - In the interests of visual amenity and biodiversity.

5. The landscaping scheme shall be fully completed in accordance with the details agreed under the terms of the above condition 4, by the 31/03/2025. 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 - In the interests of biodiversity and the requirements of the Strategy for Nature SPG.

INFORMATIVES

With regard to condition number 4 of this permission, the Authority has produced guidance relating to biodiversity enhancements and the creation of Wildflower Meadows which should be referred to in the submitted landscaping scheme. The advice is available at the following link: https://www.gov.gg/planning_building_permissions

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a residential property situated behind a neighbouring property that fronts onto Les Salines Road. Surrounding the site, the area comprises residential properties in all directions. To the east within the site is an existing outbuilding currently used as a hairdressers and in the southeast corner to the site are two outbuildings which appear to left over buildings from the previous horticultural use that are being used in connection with the upkeep of the agricultural land the subject of this application.

This application seeks permission to change the use of the agricultural land (totalling 920m² in area) to form part of the domestic garden area associated with the property.

Relevant History:

PAPP/2003/0486	Erect a sign.	Withdrawn 25/04/2003
PAPP/2002/0056	Utilise part of dwelling as a chiropody clinic.	Granted 19/02/2002
PAPP/1993/4752	Erect a sunlounge.	Granted 06/01/1994

Existing Use(s):

Residential

Agriculture

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

GP1: Landscape Character and Open Land.

GP15: Creation and Extension of Curtilage.

Supplementary Planning Guidance – Strategy for Nature (2020)

Consultations:

By email dated 15th August 2023 La Societe Guernesiaise stated the following:

“La 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 note that the application does not include specific biodiversity measures as required by Planning. We acknowledge the overarching aim to enhance the site in terms of wildflowers and associated planting. but in the absence of any details, we are unable to determine if the measures would be appropriate for the site or the wider area. For example, we do not know if the applicant has considered the Wildflower Meadows guidance advice.

We wish to advise that La Societe would be able to assist with such measures, for example to arrange surveys of the existing site and to provide suitable recommendations on how the land could be enhanced in terms of its ecological value by means of appropriate native planting and ongoing maintenance.

La Societe can be contacted by emailing info@societe.org.qg

Conclusion/Brief comment:

A review of the aerial imagery for the site confirms that the land the subject of this application was used for horticultural purposes with two large spans of glass occupying the site. Between 1979 and 1990 the glasshouses were cleared and after clearance the land reverted to agricultural use. In the southeast corner of the site, two small left over buildings from the previous horticultural use remain and appear to be used for storage in connection with the upkeep of the agricultural land the subject of this application.

In respect of the change of use to domestic garden, this parcel of land is enclosed by residential development to the north and south with large trees and allotments to the east and a large copse to the southwest. The landscape character is predominantly flat and situated behind the ribbon development, the site is not visible from any public vantage points along Les Salines Road to the north, or from Les Basses Capelles Road/ Le Grand Fort Road to the south. The change of use of the land as proposed would therefore not have an adverse impact on any open land, or on the openness or landscape character of the surrounding area. The site is not located within an Area of Biodiversity or Agriculture Priority Area. No boundary features will be altered as a result of the proposal and there will be no adverse impacts on neighbouring residents. The proposed change of use would therefore accord with Policies GP1 (Landscape character and open land) and GP15 (Creation and extension of curtilage).

Considering the above and the limited impact on the landscape character and openness, it is not necessary to remove planning Exemption Rights in this instance. Furthermore, the neighbouring property (Les Saeus), immediately to the west of the application site was granted planning permission in 2021 to extend their residential curtilage to include the whole section of land (totalling 1150m²) to the rear of their property and Exemption Rights were not removed as part of that permission. By comparison the parcel of land the subject of this application totals 920m².

With regard to the left-over structures from the previous use of the site situated to the southeast, these have remained on the land for in excess of four years and are exempt from planning control. The grant of planning permission will allow these buildings to be subsumed into the residential curtilage for the property and they will form ancillary residential buildings. The buildings are of limited size (the largest of which is circa 15m²) and the use of these as ancillary residential buildings would not be of cause for concern.

Although the site is not located in an Area of Biodiversity Importance, in line with the States' Strategy for Nature, 2020, which has been adopted as Supplementary Planning Guidance, the application must be accompanied by information demonstrating environmental benefits in respect of biodiversity that will be incorporated should planning permission be granted. This should relate to biodiversity benefits within the proposed area of domestic garden.

Following deferral of the application, the applicant has provided details of biodiversity enhancements which includes two wild flower areas (using 18 native species), a composting area, bug hotel, 2 bee hives and the planting of berries and espaliered fruit trees, Elderberry and Hawthorn Trees and 2 Blue Hibiscus and 2 Camellia flowering trees. A plan showing the areas of planting and the biodiversity improvements has also been provided.

Overall the proposals offer good opportunities for biodiversity enhancements however details of the type of wildflower planting proposed, planting densities and future management of the landscaped area have not been provided. It is suggested that should permission be granted a condition is included to seek full details of the landscaping scheme. Given the timing of the application and that the 2023 planting season has commenced, to be consistent with other planning permission for such development and to enable the applicant a reasonable timeframe to implement the required planting (i.e. a full planting season) a condition should also be included to ensure that the landscaping works are completed by the 31st March 2025. This will ensure that the biodiversity enhancements approved as part of the application are achieved at the site in a timely manner.

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.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 05/10/2023

