

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 (412sqm), demolish and alter wall to widen existing vehicle access and create new access and hard standing.

LOCATION: Northbrook, Grand Douit Road, St. Sampson.

APPLICANT: Mr C Falla & Mrs D Le Prevost

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: 17/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7753-01 B1A, B2A & B3A

Application Ref: FULL/2023/1449

Property Ref: B015260000

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.Prior to 31/12/2024, a revised 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 including the numbers and densities of plants for the Blackthorn hedge;
- ii) details of the wildflower meadow including the method of restoration of the land and the clearance of existing structures, hardsurfacing and invasive species; the extent of the wildflower meadow; and a method statement for how the wildflower meadow would be created including the species of any proposed seed mix.

Reason - In the interests of visual amenity and biodiversity.

5.The landscaping scheme and the earth bank along the south boundary of the extended domestic land shall be fully completed, in accordance with the approved plan number 7753-01/B2A and as revised by 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 visual amenity and biodiversity.

6.Within four weeks of the new access being brought into use or the alteration of the existing access, the ends of the new and altered opening shall be finished off using stone to match as closely as possible the type, colour, texture, method of bonding and pointing of the existing roadside wall.

Reason - In the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 16/10/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With regards to condition 4 and the restoration of the former vinery site as a wildflower meadow, it is recommended that this includes the removal of the hardstanding track through the centre of the site and along the south boundary, the removal of the derelict chimney and building to the south of the store and the clearance of all Pampas grass from the site.

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/2023/1449
Property Ref: B015260000
Valid date: 25/08/2023
Location: Northbrook Grand Douit Road St. Sampson Guernsey GY2 4WG
Proposal: Change of use of agricultural land to domestic garden (412sqm), demolish and alter wall to widen existing vehicle access and create new access and hard standing.
Applicant: Mr C Falla & Mrs D Le Prevost

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. Prior to 31/12/2024, a revised 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 including the numbers and densities of plants for the Blackthorn hedge;
- ii) details of the wildflower meadow including the method of restoration of the land and the clearance of existing structures, hardsurfacing and invasive species; the extent of the wildflower meadow; and a method statement for how the wildflower meadow would be created including the species of any proposed seed mix.

Reason - In the interests of visual amenity and biodiversity.

5. The landscaping scheme and the earth bank along the south boundary of the extended domestic land shall be fully completed, in accordance with the approved plan number 7753-01/B2A and as revised by 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 visual amenity and biodiversity.

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Reason - In the interests of visual amenity.

INFORMATIVES

With regards to condition 4 and the restoration of the former vinery site as a wildflower meadow, it is recommended that this includes the removal of the hardstanding track through the centre of the site and along the south boundary, the removal of the derelict chimney and building to the south of the store and the clearance of all Pampas grass from the site.

OFFICER'S REPORT

Site Description:

The site comprises of a traditional detached dwelling fronting onto Grand Douit Road with a large detached domestic outbuilding to the rear (south). To the rear (south) of the existing domestic outbuilding is a former horticultural site which has been

cleared and is now laid to grass with a significant amount of Pampas grass and there is a tarmac track along the west boundary leading to a large storage shed. The site is located Outside of the Centres.

Relevant History:

14/06/2023 – PREA/2023/0944 – Pre-application enquiry regarding extension of domestic curtilage and creation of a vehicular access.

16/03/2015 – FULL/2014/3112 – Permission granted for the change of use of packing shed from horticulture/agriculture to storage/distribution (Use Class 30).

Existing Use(s):

Residential use class 1: dwelling house

Agricultural use class 28

Storage and distribution use class 22: general storage or distribution

Brief Description of Development:

Planning permission is requested for the change of use of a section of agricultural land measuring 412sqm to domestic land and demolish and alter roadside wall to widen existing vehicle access and create new access and hard standing to serve the agricultural land and store to the rear of the dwelling.

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

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

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP15: Creation and Extension of Curtilage

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

Two letters of representation were received, main points as follows:

- The biodiversity report is laughable and merely provides lip service to the Strategy for Nature requirements. Lavender and Hydrangea are not native plants. Considerably more detail is required.
- One representation on behalf of La Société Guernesiaisie acknowledges that the Biodiversity Report outlines broad measures and principles aimed at creating and supporting semi-natural habitats and wildlife but it does not provide the necessary detail to assess the suitability of the proposals. Some of the species mentioned would not be appropriate for the site in terms of scale.

- It is advised that La Société Guernesiaise would be able to assist with matters relating to biodiversity measures, such as arranging surveys of the existing site and providing recommendations on how land could be enhanced in terms of its ecological value by appropriate native planting and ongoing maintenance.

Consultations:

None

Summary of Issues:

The main issue in deciding this application is the impact on the landscape character and openness of the area.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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

The site is not within an Area of Biodiversity Importance or 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 partially visible from Grand Douit Road with the existing dwelling and neighbouring properties limiting views from the highways. Due to the historic horticultural use of the site the existing dwelling has a limited amount of associated domestic land, with no private garden. The land the subject of this application abuts the south gable of the existing domestic outbuilding and together with its relatively modest size, the land appears well related to the existing dwelling and it does not form a significant part of the area of open and undeveloped land to the south. An earth bank is proposed to separate the extended domestic land from the area of open and undeveloped land to the south. As a result, 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.

Two representations have been received raising concerns about the information submitted regarding the proposed biodiversity enhancements. Whilst it is acknowledged that not all of the proposed planting is native, the proposed tree planting, the planting of a Blackthorn hedge, the creation of an earth bank and the

restoration of the former vinery site as a wildflower meadow is likely to provide proportionate biodiversity enhancements, taking into account the relatively modest area of land involved. However, further specific planting details are required for the Blackthorn hedge and details are required about the restoration of the former vinery site as a wildflower meadow which should include the removal of the hardstanding track through the centre of the site and along the south boundary, the removal of the derelict chimney and building to the south of the store and the clearance of all Pampas grass from the site, this can be dealt with by condition. To ensure that appropriate biodiversity enhancements are achieved in a timely manner, it is recommended that the proposed landscaping scheme is completed by the end of the 2024/2025 planting season, i.e. by 31/03/2025.

The alterations to the roadside wall including lowering the height of the wall and the creation of an additional access will enhance the sightlines from the access points whilst retaining sufficient enclosure along the highway and respecting the character of roadside boundaries. As a result, the proposal will enhance road safety and will have no significant adverse effects on the character and appearance of the area.

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.

Date: 17/10/2023