

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 (1,540sqm), erect single storey outbuilding to south boundary, erect glasshouse to west boundary, install hardstanding and widen vehicle access.

LOCATION: Le Bonheur, Rue Du Closel, Vale.

APPLICANT: Mr & Mrs Ashworth

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: 05/12/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/10/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: SOUP Architects: 397.091 (1), 100, 110, Image_01/extract from Soup covering letter (date Stamped Received 28/09/2023) & Environment Guernsey Biodiversity Statement (date stamped received 13/10/2023).

Application Ref: FULL/2023/1638

Property Ref: C016260000

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 shown on the approved plan Ref: 397.091.(1) and contained within the Environment Guernsey Biodiversity Statement (October 2023) by the end of the planting season following the grant of consent (by 31st March 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 - To help assimilate the development into its surroundings, in the interests of residential amenity and to provide biodiversity enhancements in line with the Strategy for Nature SPG.

5.Within four weeks of the extended opening to the vehicle access being completed or first brought into use (whichever is the sooner) the end of the opening altered to extend the width shall be finished off using materials and a method of construction which match the remainder of the wall and in accordance with the details provided in Image_01 extracted from Soup Architects covering letter date stamped received 28/09/2023.

Reason - To secure the satisfactory appearance of the completed development.

6.If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the

Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

Expiry Date: This permission will cease to have effect on 04/12/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed garage/workshop to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

The hard surfacing hereby approved should be carried out using porous materials or provision should be made for all run-off water to be taken to a permeable or porous area. Advice about surfacing types and construction methods is contained within a UK Government publication: 'Guidance on the permeable surfacing of front gardens'. This contains useful guidance and can be viewed at www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens.

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/2023/1638
Property Ref: C016260000
Valid date: 13/10/2023
Location: Le Bonheur Rue Du Closel Vale Guernsey GY3 5AP
Proposal: Change of use of agricultural land to domestic garden (1,540sqm), erect single storey outbuilding to south boundary, erect glasshouse to west boundary, install hardstanding and widen vehicle access.

Applicant: Mr & Mrs Ashworth

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. The landscaping scheme shall be fully completed, in accordance with the details shown on the approved plan Ref: 397.091.(1) and contained within the Environment Guernsey Biodiversity Statement (October 2023) by the end of the planting season following the grant of consent (by 31st March 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 - To help assimilate the development into its surroundings, in the interests of residential amenity and to provide biodiversity enhancements in line with the Strategy for Nature SPG.

5. Within four weeks of the extended opening to the vehicle access being completed or first brought into use (whichever is the sooner) the end of the opening altered to extend the width shall be finished off using materials and a method of construction which match the remainder of the wall and in accordance with the details provided in Image_01 extracted from Soup Architects covering letter dated 28/09/2023.

Reason - To secure the satisfactory appearance of the completed development.

6. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed garage/workshop to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

The hard surfacing hereby approved should be carried out using porous materials or provision should be made for all run-off water to be taken to a permeable or porous area. Advice about surfacing types and construction methods is contained within a UK Government publication: 'Guidance on the permeable surfacing of front gardens'. This contains useful guidance and can be viewed at www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens.

OFFICER'S REPORT

Site Description:

The application site comprises a large detached property situated to the south of Rue du Closel. A review of aerial images confirms that the site was once under glass and used for horticulture which was cleared between 1938 and 1979 and the dwelling erect sometime between 1979 and 1990. Part of the site is established residential curtilage associated with the main dwelling with the remainder of the land following clearance of the glasshouse structures reverting back to agricultural use.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

The application has been the subject of a pre-application submission.

Existing Use(s):

Residential Use Class 1 (property and garden area);
Agriculture – remaining land outside of the garden area.

Brief Description of Development:

Planning permission is sought to change the use of circa 1,540m² of agricultural land to domestic garden, to erect a single storey outbuilding to the south boundary, to erect a glasshouse to the west boundary, to install hardstanding and to widen the vehicle access.

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

OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas
GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable development
GP13: Householder development
GP15: Creation and Extension of Curtilages
IP9: Highway Safety, Capacity and Accessibility

Representations:

One letter of representation was received from the National Trust of Guernsey objecting to the scheme. The grounds for objection are summarised as follows:

- The intention of the policy of the IDP was to facilitate the 'tidying up' of redundant glasshouse land and isolated agricultural holdings that did not form viable entities and could not be amalgamated or linked with other holdings to make them so;
- Given the nature and location of this site and the well-publicised need to increase housing stock, it would seem more appropriate to use this site for additional housing rather than garden area.

Consultations:

States Office of Environmental Health and Pollution Regulation

By letter dated 31st October 2023 stated the following:

"I have reviewed the proposed plans for Le Bonheur, Rue Du Closel which were received by email on 20th October 2023 and there is an issue of concern that I must raise. Due to the historic use of greenhouses on site, I am inclined to recommend the below contaminated land condition.

- *If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to Planning Services a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Department for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.*

I would be grateful if these issues are considered during the determination of this application."

Summary of Issues:

- Whether the change of use of the agricultural land into domestic garden is acceptable;
- Whether the design of the proposed outbuilding, glasshouse and alterations to the property are acceptable;
- Whether the development would impact on the amenities of neighbouring properties;
- Whether the alterations to the existing access would impact on highway safety.

Assessment against:

1 - Purposes of the law.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Whether the change of use of the agricultural land into domestic garden is acceptable

Policy OC5 (B) (Agriculture Outside of the Centres – outside the Agriculture Priority Areas) states that *“Proposals for development which would result in the loss of an existing farmstead, agricultural buildings or land will be supported where the proposed new use accords with the other relevant policies of the Island Development Plan”*. Policies GP1 and GP15 are both relevant and are considered below.

The entire application site comprises a redundant glasshouse site. Following a review of aerial images for the site, it was occupied by glasshouses between 1938 and 1979. The site was cleared of all glass sometime between 1979 and 1990 (an exact date cannot be established) and the dwelling the subject of this application constructed between 1963 and 1979. After clearance of the site all land not forming part of the established residential curtilage for the property reverted back to agricultural land.

In respect of the change of use to domestic garden, this parcel of land is enclosed by residential development to the north, northwest, and southwest with a field to the east and open fields to the south. A lane runs immediately along the southern boundary of the site separating the application site from fields to the south.

This site itself has substantial tree planting along the south and east boundaries of the site separating the land from the remaining open land and from the lane to the south. To the west the site is well screened from the surrounding area by further tree planting and well established boundaries and to the north by built form comprising an existing outbuilding and large granite wall (circa 3.9m high). The land in question is therefore not visible in public vantage points from the surrounding area.

The proposed change of use would not therefore have an adverse impact on open land or landscape character (policy GP1) and 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).

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.

The application drawings and Biodiversity Statement produced by Environment Guernsey (October 2023) show enhancements proposed including the establishment of a wildflower meadow to improve existing grassland habitats, pollarding of the existing willow trees (to preserve willow specimens and create additional planting opportunities in the vicinity) to plant new native hedging along the north and south aspects of the site, planting of new native trees and shrubs, and the replacement of the gravel with a lawned area on the south side of the house. This offers good opportunities for biodiversity enhancements which will be secured by condition. As such therefore, the scheme accords with the aims of the Strategy for Nature.

The comments received from the representor have been noted. However, in this instance all glasshouses and superstructures associated with the former horticultural use of the site have been cleared and in accordance with the advice contained with the approved Supplementary Planning Guidance Note: Defining Redundant Glasshouse Site (2018) the site is no longer considered as a redundant glasshouse site for the purpose of planning policy. Therefore, Policy OC7: Redundant Glasshouse Sites Outside of the Centres, is not relevant in the assessment of this application. The extension of curtilage needs to be assessed against policies OC5(B) and GP15 which has been completed above.

In relation to the comment that the site would be better suited for 'much needed housing', policy OC1: Housing Outside of the Centres allows for new housing only where this is achieved through the subdivision of an existing dwelling or the conversion of a redundant building. A scheme for new housing on this site would be contrary to planning policy OC1 and if applied for would be refused planning permission.

As referred to above the change of use of the land to form domestic garden complies with policies OC5(B), GP1 and GP15 and this aspect of the proposal is therefore considered to be acceptable.

Whether the design of the proposed outbuilding, glasshouse and alterations to the property are acceptable

Policy GP13 of the Island Development Plan indicates that alterations and extensions to residential properties will be supported where there is no significant adverse impact on the amenities of adjoining properties; the design, scale, mass and form of development does not detract from the character of an open area; and there is no adverse effect on the special interest of a Conservation Area (CA), Area of Biodiversity Importance (ABI), Protected Building or Protected Monument. For clarity the site is not within a CA, ABI and the property is not protected.

In this case, Policy GP8, relating to Design, would also be relevant, which states a number of criteria that new development will be expected to adhere to in order to achieve a high standard of design which respects and where appropriate enhances the character of the environment.

The size, bulk and massing of the proposed garage, entrance porch and greenhouse are proportionate to the size of the dwelling and have been designed to be in-keeping with its character and appearance. Set within the grounds of the property and screened from view from public vantage points within the surrounding area, the proposed built form would not cause harm to the landscape character, or the general character and appearance of the surrounding area.

The letter submitted in support of the planning application shows an annotated photograph illustrating the alterations proposed to the boundary wall to widen the entrance point into the site as proposed. In summary a small 1.2m section of the wall that decreases in height from the main 3.9m high boundary wall that completes the remainder of the roadside boundary will be removed. The disturbed section of wall will be dressed with new granite quoins to match the remainder of the wall. The width of the entrance point once altered will increase to 5.2m in width.

Although this aspect of the proposal will result in the loss of part of the boundary wall, a large section of the boundary (circa wall circa 30m) will remain unaltered and will continue to provide an adequate and attractive roadside boundary feature. Provided that the works to repair the disturbed wall are completed within four weeks of the extended opening being formed (which can be controlled by condition) then this aspect of the scheme would not harm the visual character or appearance of the surrounding area.

The relocation of the driveway to the main property from its current position to a new position will result in the creation of new areas of hardstanding. However, the existing driveway will be removed and re-seeded to extend the garden area and to create an area for vegetable growing. Relocating the driveway will result in an overall reduction in the extent of gravelled areas within the site from 624m² to 449m². Whilst parts of the hardstanding would benefit from Exemption rights and would not require planning permission a large section will be situated beyond 30m from the main dwelling, for which planning permission is required. However, all areas of hardstanding within the site would be screened from the surrounding area by existing boundary treatments and would not cause harm to the character of the area.

The applicant's agent has provided confirmation that the design and specification of the extensions/alterations proposed comply with all parts of the Guernsey Technical Standards 2012 adopted by the Building Control Department, specifically in terms of: thermal efficiency (insulation); drainage; water efficiency; materials to be used; waste storage and disposal; and the conservation of fuel and power.

The proposal has been designed to consider the use of energy and resources and to reduce any impact on the environment and therefore complies with Policy GP9 of the Island Development Plan.

The design and appearance of the development proposed is therefore considered to be acceptable and complies with Policy GP8, GP9 and GP13 of the Island Development Plan.

Whether the development would impact on the amenities of neighbouring properties

Policy GP8 requires inter alia that proposals for new development will be expected to consider the health and well-being of the occupiers and neighbours of the development by means of providing adequate daylight, sunlight and private/communal open space.

Given the position of the proposed development its single storey form, the distance from the neighbouring properties and the mature trees and planting separating the site from the neighbouring properties, the proposal would not cause any harm to the amenities afforded to the occupiers.

The scheme complies with Policies GP8 or GP9 in this respect.

Whether the alterations to the existing access would impact on highway safety.

To the front of the site along the roadside a large granite boundary wall is situated. A tapered section of wall which projects circa 1.2m from the main section of wall restricts the site access point to 4.0m in width. Given the width of Rue du Closel, this makes turning out of the site in an eastern direction difficult.

The alterations proposed will improve the current vehicle access point, making both visibility and manoeuvrability out of the site in an eastern direction easier. The scheme would therefore not harm and would only improve highway safety.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; the effect of the proposed which the site could be put without further planning permission; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would not impact on any protected buildings, trees, monuments or SSS's.

Date: 04/12/2023

