

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 (1,014 sq.m.).

LOCATION: Oakfield House, Rue Des Haizes, Vale.

APPLICANT: Mr & Mrs G J Isabelle

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: 08/12/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/10/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd - 23-1482-P2 PD/01A; Tree Dimensions Landscape Design

Application Ref: FULL/2023/1716

Property Ref: C011960000

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, as set out on the approved plan (Drawing No 23-1482-P2-PD/01A) and in the Tree Dimensions Landscape Design, by 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 - To achieve biodiversity enhancements in a timely manner to meet the requirements of the Strategy for Nature.

Expiry Date: This permission will cease to have effect on 07/12/2026 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/2023/1716
Property Ref: C011960000
Valid date: 04/10/2023
Location: Oakfield House Rue Des Haizes Vale Guernsey GY3 5HB
Proposal: Change of use of agricultural land to domestic garden (1,014 sq.m.).

Applicant: Mr & Mrs G J Isabelle

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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OFFICER'S REPORT

Site Description:

The application site is located to the south of Rue des Haizes. The dwellinghouse known as Oakfield House and detached outbuilding are located within the recognised domestic curtilage to the north of the site, whilst the south of the site is classified as agricultural. The site is bounded by a former horticultural site to the west and a residential property to the south. To the east is a residential property and associated grounds.

The site is located Outside of the Centres in the Island Development Plan.

Relevant History:

PAPP/2008/2573 Change of use of outbuilding to office, extend domestic curtilage and erect fencing. Approved 29/01/2009

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

Permission is requested to change the use of the agricultural land located to the rear of the dwellinghouse, measuring approximately 1014sqm, to domestic land for use in association with that dwelling.

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
GP15 Creation and Extension of Curtilage

Strategy for Nature

Representations:

La Societe Guernesiaise comments as follows:

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 acknowledge that the applicant has outlined measures which seek to enhance the site in terms of a small wildflower meadow. However we would make the following points -

1. It is feasible that the existing grassland has some ecological value and the plot marked for wildflower meadow could be enhanced rather than wholly cultivated and re-sown. Depending on the circumstances, removing existing grassland and re-sowing can result in biodiversity loss.
2. There is no reference to the Wildflower Meadows Guidance. The site has probably not been cultivated for a number of years so in order to meet the guidance, the proposals should be revised as required.
3. In the absence of any other biodiversity measures, we would suggest that 14% used as wildflower meadow is not sufficient for the proposed curtilage extension.

Consultations:

None undertaken.

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).**

Policy OC5(B) supports development which would result in the loss of agricultural land where the proposed new use accords with all other relevant policies.

The land proposed for inclusion within curtilage is located to the rear of the roadside dwelling and is largely screened in public views from the road to the north and north-east by that dwelling, and the development on the adjacent site to the east. At present the site to the west is overgrown and the land in question is not therefore visible from the road to the north-west, however, should that site be cleared, there may be glimpsed views of the site from the road in that direction. The boundaries of the site are clearly delineated, however the fencing and hedging approved to demark

the curtilage under FULL/2008/2573 has not been undertaken and there are no dividing features within the site. Whilst abutting open land to the west and potentially the east (curtilage on the adjacent property in that direction not having been defined), taking into account the position of the land relative to public views and the generally developed nature of the area, the change of use would not have a significant impact on landscape character or openness.

The site is not located within or adjacent to an Area of Biodiversity Importance or an Agriculture Priority Area, and no boundary features are to be removed. The proposed use of the land would be for domestic purposes, and, taking into account the proposed use and the relationship to surrounding residential property, the proposal would have no adverse effects on neighbouring residents.

In respect of the Strategy for Nature, as initially submitted the application included provision of a wildflower meadow adjacent to the south boundary. Taking into account the size of the area proposed for change of use, and the absence of information in respect of existing ecological value, this proposal in isolation was not considered to address the requirements of the Strategy for Nature. The site is identified in the 2018 Habitat Survey as Amenity Grassland, and is therefore likely to be of limited biodiversity value. Following deferral, a Landscape Design proposal has been submitted, prepared by Tree Dimensions Limited, and the plans have been updated to reflect the proposals set out within that document. The landscape and biodiversity proposals now put forward are considered to address the requirements of the Strategy for Nature. To ensure this is the case it is however recommended that implementation of the proposed scheme is required by condition.

In the context of this site there is no requirement to remove exemption rights.

The amended scheme meets the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 08/12/2023

