

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 (1,730sqm) (Retrospective).

LOCATION: La Maison, Les Beaucamps, Castel.

APPLICANT: Mr P Coppen

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: 26/01/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Block Layout Plan (1:500) x 2 and associated document received 06/11/2023

Application Ref: FULL/2023/1802

Property Ref: D008610000

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.a) Within three months of the date of this permission a landscaping scheme incorporating full details of tree, hedge and pond planting including planting schedules, noting the species, sizes, numbers and densities of plants and details of proposed bird boxes shall be submitted to and approved in writing by the Development & Planning Authority.

3.b) The landscaping scheme approved under a) above shall be fully completed, in accordance with those details, in the first planting season following the grant of this permission or 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 interest having regard to the Strategy for Nature SPG.

Expiry Date: This permission will cease to have effect on 25/01/2027 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/2023/1802
Property Ref: D008610000
Valid date: 06/11/2023
Location: La Maison Les Beaucamps Castel Guernsey GY5 7DS
Proposal: Change of use of agricultural land to domestic garden (1,730sqm) (Retrospective).

Applicant: Mr P Coppen

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - In the interests of biodiversity interest having regard to the Strategy for Nature SPG.

OFFICER'S REPORT

Brief Description of the site:

La Maison, Les Beaucamps is a detached hipped roof bungalow with extensions to the sides and rear. A small detached glasshouse is situated to the north of the dwelling. A pitched roof outbuilding is situated to the south and vehicular access is along the south site boundary. A line of trees exists to the both of the access track and north site boundary. Two lines of trees cross the site (north-south) and between those trees is a further outbuilding and former oil catch pit. A garage building is situated in the far southwest corner of the site. A trampoline and climbing frame were present on the land at the time of the officer site visit.

The application relates to the change of use of agricultural land to domestic garden to the rear of La Maison. The application has been accompanied by information to address the Strategy for Nature SPG. The application was deferred in order to seek further information regarding this matter. A revised plan was provided to show an existing and proposed pond, areas that would be utilised for compost, areas to be unmown, existing and proposed tree, bird boxes etc.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

FULL/2019/0091 - Demolish existing extensions and erect single storey extension to rear (east) and side (north) of dwelling. Remove chimney, install external insulating cladding – granted (informative note relating to undefined curtilage/garden).

Historically the entire rear part of the site was covered in three glasshouses running north/south, with approximately 4m between the rear of the dwelling and the glasshouses to the east. These were cleared entirely between 1979 and 1990 (as shown on aerial photographs). An area of garden that was historically enclosed by a hedge is situated to the south of the property, this garden projects south to the north wall of a detached outbuilding/packing shed. Two detached outbuildings are present on the site, as they were at the time of the 1979 aerial photograph. Both are situated adjacent to the south boundary, one towards the front of the site and one tucked in the far southeast corner at the rear of the site.

The extent of domestic curtilage has been defined by the Development & Planning Authority prior to the submission of this application.

Existing Use(s):

01 dwellinghouse
28 agriculture

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

Island Development Plan policies:

OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas
GP1: Landscape Character and Open Land
GP15: Creation and Extension of Curtilage

Representation:

La Société Guernesiaise - 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.

La Société note that the field is within an Agricultural Priority Area. La Société acknowledges that the plans outline a range of biodiversity principles, which we fully endorse but also highlight that it is not possible to determine if the application of these principles would be appropriate or of sufficient scale to achieve a net ecological gain.

It should be noted that plant and seed suppliers cannot necessarily be relied upon to provide accurate information regarding locally native trees, shrubs and wildflowers. Further there is no mention of the Wildflower Meadows Guidance note.

La Societe would be able to assist with matters relating to biodiversity 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 appropriate native planting and ongoing maintenance.

No comments were received following the receipt of revised information relating to biodiversity enhancements.

Conclusion/Brief comment:

The IDP recognises that agriculture plays a relatively small part in Guernsey's economy but is valuable for its land management function protecting and enhancing the countryside and providing visual access to open space.

The Strategic Land Use Plan requires a balance to be made between the protection of land for agriculture for the industry's current and future needs and recognising the role it plays in countryside management with ensuring land is available to meet other legitimate development requirements. The Island Development Plan has therefore identified large areas of contiguous agricultural land, and other areas well related to established agricultural operations, which represent Guernsey's most valuable agricultural land. These have been identified as Agriculture Priority Areas (APA). The Agriculture Priority Areas are not intended to safeguard the land for agricultural use if it is not appropriate or is not required for that use or where the inclusion of an area of land into a larger land parcel for agricultural purposes would have a negative environmental impact. Policy OC5(A) makes provision therefore, for other forms of development within the APA provided that they accord with all the other relevant policies of the Island Development Plan.

The area of land is well associated with the existing dwelling, La Maison. All the boundaries of the site are clearly defined. The surrounding land is in separate ownership to La Maison and the agricultural land that is the subject of this application. The application does not require any established boundary features to be removed in connection with the change of use of the land and the land is not identified as being situated within an Area of Biodiversity Importance.

The Island Development Plan recognises there is a balance between protecting open and agricultural land and other legitimate uses Outside of the Centres. The designation of the Agriculture Priority Area represents the Island's most valuable agricultural area. Planning permission has been granted, retrospectively, for the change of use of agricultural land to domestic garden associated with the neighbouring property to the north, Les Etoiles. This means that the land at La Maison is surrounded by domestic gardens, with no connection to any other agricultural land within the APA. In this instance therefore, it is considered the change of use proposed would not undermine the commercial function of the APA and is supported by Policy OC5(A).

With regard to the impact on neighbouring properties, the proposal involves a change of use of an area of land to be included and managed as part of the residential curtilage and given the location of the land in relation to neighbouring residential properties and that adequate boundary screening separates the land from the neighbouring properties, the proposed change of use would not of itself have an adverse impact on or affect their amenities.

It is considered that the change of use would accord with Policy GP15 a)- e) and provided that the proposal accords with all other relevant policies of the IDP, the

principle of change of use to domestic curtilage is considered to be acceptable in this particular location.

Given the established site boundaries the proposal would not undermine the wider landscape character or the openness of the area in accordance with Policy GP1. It is not considered necessary to remove ordinary householder exemption rights in this case.

In line with the States' Strategy for Nature, 2020, which has been adopted as Supplementary Planning Guidance, the Development and Planning Authority has directed that from 01 September 2021 all applications involving the change of use of agricultural land to domestic garden must be accompanied by information demonstrating environmental benefits in respect of biodiversity that will be incorporated should planning permission be granted. The comments and concerns of La Société are noted. The original submission was accompanied by a written Biodiversity Statement proposing to leave areas unmown, introduce rainwater collection, bird feeders and to plant native plants and flowers (species unspecified). This was subsequently supplemented by a plan relating to proposed biodiversity measures. Subject to planning conditions the matter of biodiversity has been proportionately addressed in relation to this change of use application and the SPG satisfactorily addressed.

It is also noted that there are numerous mature trees on site that are not indicated to be removed and which are highlighted in the submission as offering food/habitat for wildlife.

The landscaping works proposed can be conditioned to be completed by the end of the planting season which follows the grant of permission, in this case 31st March 2025. This is to ensure that the biodiversity enhancements approved as part of the application are carried out within a reasonable amount of time after the implementation of the change of use, which is considered to occur in practical terms immediately after the grant of permission.

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.

Recommendation:

Grant with Conditions



Date: 26/01/2024

