

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 (2,000sqm).

LOCATION: Gardenia Vinery, Route De La Charruee, Vale.

APPLICANT: Mr & Mrs Long

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: 21/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/10/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 6847-05/B1A & /B2D.

Application Ref: FULL/2023/1831

Property Ref: C021870000

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 6847-05-B2 D) 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.

5.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no garden structure, pergola, shed, glasshouse, free standing garage, outbuilding, carport, gate, fence, wall or other means of enclosure (other than any hereby expressly permitted) shall be erected, constructed or placed on any part of the site.

Reason - In view of the sensitive nature of the site, the erection of such structures as 'exempt development' may have an adverse visual impact. This condition is imposed to make sure that any proposals can be properly considered.

6.The glasshouse to be demolished shall be carefully dismantled, all material removed from the site, and the land laid to grass before the first occupation of the dwelling hereby permitted.

Reason - To ensure the removal of the glasshouse and reinstatement of the land as an approved garden.

Expiry Date: This permission will cease to have effect on 20/02/2027 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/2023/1831
Property Ref: C021870000
Valid date: 16/10/2023
Location: Gardenia Vinery Route De La Charruee Vale Guernsey
Proposal: Change of use of agricultural land to domestic garden (2,000sqm).

Applicant: Mr & Mrs Long

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, as set out on the approved plan (Drawing No 6847-05-B2 D) 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.

5. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no garden structure, pergola, shed, glasshouse, free standing garage, outbuilding, carport, gate, fence, wall or other means of enclosure (other than any hereby expressly permitted) shall be erected, constructed or placed on any part of the site.

Reason - In view of the sensitive nature of the site, the erection of such structures as 'exempt development' may have an adverse visual impact. This condition is imposed to make sure that any proposals can be properly considered.

6. The glasshouse to be demolished shall be carefully dismantled, all material removed from the site, and the land laid to grass before the first occupation of the dwelling hereby permitted.

Reason - To ensure the removal of the glasshouse and reinstatement of the land as an approved garden.

OFFICER'S REPORT

Site Description:

The site known as 'Gardenia Vinery' is a 2375sqm site located on the north side of Route de la Charruee. Recently the existing packing shed has been demolished and a small granite fronted one and a half storey cottage has been built in the southeast corner. One glasshouse remains along the west boundary. There are residential dwellings to the west, north and southeast and another vinery to the east. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2023/0719 – Erect single storey extension to east side elevation – Approved June 2023.

FULL/2019/2073 – Demolish outbuilding and erect dwelling – Approved November 2019.

Existing Use(s):

Residential use class 1: dwelling house.

Agricultural use class 28: agriculture.

Brief Description of Development:

This application is for a change of use of the agricultural land to domestic garden (2000sqm).

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

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

OC7: Redundant glasshouse sites outside the Centres

GP1: Landscape Character and Open Land

GP15: Creation and Extension of Curtilage

Strategy for Nature.

Representations:

There has been two letters of representation and the issues are:

- The policy in the IDP was intended 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.
- The works outlined in this application would prevent the 2000 sqm ever being used for agriculture in the future and a further significant erosion of the stock of viable agricultural land, contrary to the intentions of the IDP and of the Strategic Land Use plan.
- There is insufficient detail regarding the wildflower areas in terms of the species proposed, how they would be sown and established, and also how the area would be managed thereafter. There is no reference to the Wildflower Meadows Guidance. Further, the planting of lavender would not be appropriate within a wildflower area as it would impede ongoing maintenance.
- The creation of a lawn over most of the site cannot be considered a biodiversity measure unless it is sown with a suitable non-Rye Grass mix and managed sympathetically over the long term.
- Overall, we do not consider the biodiversity measures to be sufficient to justify the relatively large extension to domestic curtilage. There is no provision (for example) for any native tree, shrub or hedge planting anywhere on the site.

Consultations:

ACLMS

'I've had a quick look at the aerial photographs of the site and it looks like the glasshouses were fairly overgrown before they were cleared (see 2019 photo). This is also described in the Justification document (pg7). Without an ecological survey prior to clearance it is not possible to fully understand the ecological value of this site, but as best practice suggests, we might want to assume it was native scrub (e.g. brambles) or good condition – as we can't evidence otherwise. Therefore, the site was not devoid of biodiversity value and I'd recommend that this is borne in mind when assessing whether a biodiversity enhancement has been achieved.

The proposed enhancements are:

- *Proportion of lawn left to 'rewild'*
- *Wildflower planting*
- *3x bug hotels*
- *Native hedge (approx. 35m by my measurements)*
- *Three fruit trees.*

Unfortunately no dimensions are provided for the area of lawn left to 're-wild', although it appears that this might be an area of up to 400m². Given the sites history of cultivation, this area is likely to take a number of years before it is species rich, and the success of this will depend largely on the soil conditions and whether any grass seed mix has already been sown.

I agree with the assessment that the sowing of native wildflower seed is an appropriate means of enhancing the biodiversity of the site, unfortunately the locations chosen for this are shaded sites, which will significantly reduce the diversity of plant species which can survive there. They also appear to be small in area. The applicants may wish to consider expanding these areas to a greater size and out of the shadow of the existing tree and adjacent glasshouse to improve their biodiversity value.

Given the species selection, the creation of a native hedge will enhance the biodiversity value of that strip of land, and the fruit trees will also provide forage for both pollinators in the spring and birds in the autumn (assuming that a proportion of fruit will be left on the tree).

However, taking into account the pre-clearance biodiversity value, lack of information on existing condition of area to be left to 're-wild' and small area of wildflower areas, I do not believe there is sufficient information to evidence that the scheme would lead to an enhancement in biodiversity in the short or medium term.'

Summary of Issues:

The main issues in deciding this application are the impact on the landscape character and openness of the area and the loss of agricultural land close to an Agriculture Priority Area.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

Initially, the proposal showed one of the glasshouses remaining, which meant that OC7 would still have been relevant. The removal of all of the glass was also a condition of a previous application. The applicant has decided to now remove all of the glass rather than retain a proportion of it, meaning that OC7 is no longer relevant in the assessment of this application.

In addition, as originally submitted, the proposal lacked sufficient contribution to biodiversity enhancements, the application was deferred to allow the agent the opportunity to provide further enhancements. Amended drawings showing the removal of all the glass and an amended biodiversity statement have now been submitted.

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 subject of this application lies to the north of Route de la Charruee, the domestic curtilage is in the southeast corner of the site and a small pump house is located along the west boundary. The site is now almost entirely surrounded by residential housing, apart from to the east where another overgrown former vinery site lies redundant. Therefore the relevant landscape character in this instance is one of a domestic setting with properties immediately on the road frontage and to the rear of the site.

The proposals are considered to respect the landscape character and there will be no loss of any specific features that contribute to the wider landscape character because the site is adjacent to other residential dwellings in three different directions. The views that would result from the clearing of the other redundant site to the east would not allow this site to be incorporated, because the new dwelling would interrupt the view point due to the angle.

The revised biodiversity enhancements are considered to improve the visual amenity.

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 east 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 Bare Ground, and is therefore likely to be of limited biodiversity value. Following deferral, a Justification report, 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.

Due to the element of a green frontage to the road and its contribution to providing a break between the ribbon development along this road it is considered appropriate to remove exemption rights in this instance.

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 21/02/2024

