

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 (1185 sqm) and remove section of earthbank to create vehicle access and parking (north boundary).

LOCATION: Laburnum, Rue Des Rocquettes, St. Andrew.

APPLICANT: Mr M Main

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: 15/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Drawings4U: 212085.SK.01A & 02A & annotated photograph.

Application Ref: FULL/2023/2186

Property Ref: K00301B000

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.Notwithstanding the hedge details shown on drawing 212085.SK.01A (Griselinia or Euonymous) within three months of the date of this permission full details of hedge planting including planting schedules, noting the species, sizes, numbers and densities of plants shall be submitted to and approved in writing by the Development & Planning Authority.

Reason - In the interests of visual amenity and biodiversity.

5.The landscaping scheme hereby approved shall be fully completed, in accordance with the approved drawings and condition 4 above, 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 visual amenity and biodiversity.

6.The built up earthbanks hereby approved either side of the vehicular access as shown on drawing no. 212085.SK.01A shall be built in accordance with the 'construction' details set out in the Conservation Advice Note 3 (Earthbanks in Guernsey) within three months of the vehicular access being formed.

Reason - In the interest of visual amenity.

7.Within four weeks of the new access being formed, the ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the bank.

Reason - In the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 14/02/2027 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/2023/2186
Property Ref: K00301B000
Valid date: 12/12/2023
Location: Laburnum Rue Des Rocquettes St. Andrew Guernsey GY6 8SL
Proposal: Change of use of agricultural land to domestic garden (1185 sqm) and remove section of earthbank to create vehicle access and parking (north boundary).

Applicant: Mr M Main

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.

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OFFICER'S REPORT

Brief Description of the site:

Laburnum, Rue Des Roquettes is a semi-detached property occupying a corner plot. To the north boundary is Rue Des Morts. Agricultural land exists to the west, south and east of the site with a cluster of residential properties to the north. Two residential neighbours are also situated to the immediate south of the site.

The application, as amended, relates to the retrospective change of use of agricultural land to domestic garden and proposes to remove of a section of earthbank in the north site boundary in order to provide vehicular access.

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

Relevant History:

Historically the land to the east of Laburnum was an open field. An aerial photograph from 1979 shows the area of land as being ploughed. By 1990 the land appears to be grassland and by 2001 some paths had been introduced. More planting, what appears to be a greenhouse and also some other, unidentified items, appear in the aerial photograph from 2004. In 2006 there appears to be a fence separating the garden from the attached neighbour and the greenhouse and other items appear to remain. Areas laid out for growing, east of the greenhouse, appear in the 2009 aerial photograph. A vehicular access serving the land (east boundary) appears to have been formed between 2009 and 2013 along with a shed/outbuilding in the northeast corner of the site (by 2009). The domestic scale greenhouse appears to have been removed from the site by 2013 and the areas for growing altered accordingly. The land appears more domestic, albeit with areas of growing by the time of the 2016 aerial photograph. The area of growing appears to have reduced by 2019 but increased in 2022.

Existing Use(s):

01 dwellinghouse
28 agriculture

Assessment: *(Tick as appropriate)*

no representation	☒
accords with policy	☒
within curtilage	☒
design acceptable	☒

visual amenity acceptable	☒
no material neighbour impact	☒
traffic not affected	☒

Policies considered most relevant:

Island Development Plan policies:

OC5(A): Agriculture Outside of the Centres
GP8: Design
GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development
GP13: Householder Development
GP15: Creation and Extension of Curtilage
IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

Change of use of land

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. The Island Development Plan policies therefore allow for other forms of development within the identified Agriculture Priority Areas provided that they accord with all the other relevant policies of the Island Development Plan (Policy OC5A).

Policy GP15 makes provision for the extension and creation of curtilages to serve both domestic and non-domestic buildings.

The area of land is well associated with the existing dwelling. The north, east and south boundaries of the site are clearly defined and the west boundary abuts existing recognised garden associated with the dwelling, Laburnum. A road separates the land from other agricultural land (north and east of the site) with the garden of the neighbouring property situated to the south of the site. The surrounding agricultural land to the south and east is in separate ownership to Laburnum 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.

In this case, the land could not readily contribute to the commercial function of the Agriculture Priority Area given its relationship to surrounding agricultural land and residential properties preventing direct access to open agricultural land to the south and west.

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 proposed change of use would not undermine the wider landscape character or the openness of the area in accordance with Policy GP1.

Biodiversity enhancement information is necessary to ensure a scheme addresses the requirements of the adopted Strategy for Nature, Supplementary Planning Guidance and the revised proposals incorporate proportionate enhancements to address the SPG. This matter can be controlled by planning condition.

Given the fact that a road runs passed the site (north and east boundaries) it is not considered necessary to remove householder exemption rights as many would not apply given the relationship of the land to the road and house.

Whether the land remains as domestic garden associated with Laburnum or is separated to serve Well End too is ultimately a private civil matter and no further planning permission would be necessary.

Vehicular Access

Having established that the change of use of land is acceptable there is scope to consider the proposed 3.5m wide vehicular access against the householder policy within the IDP.

The site is not situated in a Conservation Area and although a section of the boundary bank would be lost, a large proportion will remain intact and will continue to provide an adequate boundary feature. In this particular instance it is considered therefore that any adverse impact on the character of the area as a result of the development is not so substantial to warrant the refusal of planning permission. The proposal represents a good standard of design that respects the local area and will not have a detrimental impact on residential amenity.

The drawings indicate that the remaining bank will be adjusted to allow for visibility in both directions when exiting the site and that an area for on-site turning will be provided to enable vehicles to exit the site in a forward gear. The matter of highway safety has therefore been satisfactorily addressed.

The proposed access and parking will not undermine the proposals to enhance biodiversity interest on the site having regard to the adopted SPG.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

In view of the above it is recommended planning permission is granted for the proposals. Conditions should be imposed relating to the biodiversity enhancements and making good the ends of the new opening (including regrading for visibility purposes).

Recommendation:

Grant with Conditions



Date: 15/02/2024

