

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 (1,610sqm).

LOCATION: Amethyst Cottage, La Planque Road, St. Martin.

APPLICANT: Mr & Mrs N Grantham

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: 10/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTECH: FH-23-1144-01, 02C, 03 & Biodiversity Statement (dated 12/06/24).

Application Ref: FULL/2023/2207

Property Ref: J007310000

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 hereby approved (within the Biodiversity Statement) shall be fully completed in the first planting season after the approval date, or in accordance with a programme previously agreed in writing by the Authority. 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 make sure that the landscaping scheme provides a biodiversity net gain for the site in line with the aims of the Strategy for Nature, 2020.

Expiry Date: This permission will cease to have effect on 10/07/2027 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/2023/2207
Property Ref: J007310000
Valid date: 08/11/2023
Location: Amethyst Cottage La Planque Road St. Martin Guernsey
GY4 6TH
Proposal: Change of use of agricultural land to domestic garden
(1,610sqm).

Applicant: Mr & Mrs N Grantham

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.

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Reason - To make sure that the landscaping scheme provides a biodiversity net gain for the site in line with the aims of the Strategy for Nature, 2020.

OFFICER'S REPORT

Site Description:

The property known as 'Amethyst Cottage' is a 1970's bungalow which is set back from, at a higher level, and faces southeast onto La Planque Lane. The vehicular entrance is at the west end of the southeast boundary and runs along the southwest boundary up to the agricultural land to the rear of the property. There are neighbouring properties to the northeast and southwest, with agricultural APA land to the northwest and across the road to the southeast. The property is located Outside of the Centres and within an Agriculture Priority Area as defined in the Island Development Plan.

Relevant History:

A pre-application enquiry into the change of use.

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 (1,610sqm).

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

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

Representations:

There have been three letters of representation received and the issues are:

- The existing domestic curtilage for this and adjoining properties is already quite generous given previous use of land and the fact it is in an Agricultural Priority Area. There is confusion as to why the application seeks to extend the domestic curtilage purely for the proposed purpose of planting/ landscaping alone. Is there really any need to seek a change of use?
- There is puzzlement as to why the change of use is necessary if the applicants just want to plant plants, however, there is concern that by extending the domestic curtilage this could facilitate such an application in the future. 'Urban Creep' has to stop somewhere.
- The biodiversity measures have been assembled by parties which do not have the required expertise in local ecological matters. Sadly, there is no confidence in the proposals being undertaken in a manner which optimises opportunities to enhance biodiversity.
- The biodiversity measures appear scant for a curtilage extension of this scale; the tree planting appears to be limited to no more than seven trees or shrubs.

Consultations:

Agriculture, Countryside and Land Management Services (ACLMS) have been consulted on the 8th May, 24th May and 9th July to help establish that enough biodiversity enhancements have been proposed.

Summary of Issues:

- Impact of the development on the character and appearance of the area.
- Impact of the development on biodiversity.

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 application was deferred because there had been no demonstration that the land could not be used for commercial agriculture, and other than a note stating that there would be a few boundary trees planted to fill in gaps and another note to say the north and north-eastern earthbanks would be repaired and extended, there was no other evidence that there would be any biodiversity enhancement on the site as specified in the Strategy for Nature.

Since then there have been several amendments along with a biodiversity statement (compiled by Environment Guernsey) and a comprehensive plan showing the showing the location of all the biodiversity enhancements.

The land forming the subject of this application is situated within a relatively undeveloped landscape, with linear residential development and associated gardens along many of the roads in the area. A significant number of fields dominate the local vicinity with much of this agricultural land farmed commercially.

The site has the dwelling and surrounding domestic curtilage at the southeast end and at the other end to the northwest is the agricultural land which did house three glasshouses and associated buildings. The glasshouses are first shown on the 1963 map, with the dwelling first shown on the 1979 aerial photo – the glasshouses were removed by the 2001 aerial photo and the land has been lawned and bushes and trees have grown throughout the site. The two small associated vinery buildings still remain on the land along with one small domestic sized glasshouse.

The area of land is well associated with the existing dwelling, Amethyst Cottage, and the outer boundaries of the site are clearly defined. The land has been laid to grass since the glasshouses were cleared with no evidence, from aerial photographs, that the land has been used for agricultural purposes since that time. The scheme would not require any established boundary features to be removed. The surrounding land is in separate ownership to Amethyst Cottage and the agricultural land that is the subject of this application and the land is not identified as being situated within an Area of Biodiversity Importance.

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.

Notwithstanding the above however, the site is located within the APA where for a scheme to be supported it has to be demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or that to do so would result in unacceptable adverse environmental impacts.

The site is substantially and there is no evidence to indicate that the site does not drain well/suffers from prolonged periods of flooding during the winter months.

The application relates to the change of use of an area of land approximately 1610sqm in size which would be sufficient in size to be used for agricultural purposes. Furthermore, there are fields to the north, northwest and across the road to the south of La Planque Lane however, currently there is no independent access to the land, with the only access being the 3m wide driveway adjacent to the southwest site boundary. In order to gain an independent access, not across

domestic land, it would be necessary to remove trees/hedgerow to the northwest or north site boundaries and given the mature nature of these site boundaries this would have a detrimental impact on the character of the open landscape concerned and result in adverse environmental impacts. In this case therefore, loss of agricultural land within the APA is accepted.

The change of use would therefore 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.

The biodiversity statement outlines the following biodiversity enhancements;

- Enhancing the two different existing grassland habitats
- Removing the existing invasive bamboo
- Planting new native hedging to the north boundary
- Installing bird nesting boxes, including an owl box
- Create log piles
- Create compost areas and
- Manage the existing non-native shrubs to prevent encroachment onto the grassed areas and maintain the natural screening along the northeastern boundary.

ACLMS have been consulted about the biodiversity enhancements and they are now in agreement that the proposals will result in a net gain in biodiversity.

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: 09/07/2024

