

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 estate amenity land to domestic garden (175sqm) (retrospective) and hardstanding.

LOCATION: Karibu, Les Landes Clos, Landes Du Marche, Vale.

APPLICANT: Mr P Le Fricc

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 07/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room: 381 B1A and 381 B2

Application Ref: FULL/2023/2360

Property Ref: C019570022

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.Within four months of the date of this permission the drop kerb shall be provided in accordance with the approved plans and notwithstanding the details shown on drawing 381 B2 permeable brick paved hardstanding shall be fully completed in accordance with the drawing 381 B1 A.

Reason - In the interests of visual amenity and sustainable design.

Expiry Date: This permission will cease to have effect on 14/02/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Householder exemption rights would not apply to this detached area of domestic land, forward of an elevation of the dwellinghouse Karibu, and the highway. Planning permission would therefore be required to lay hardstanding not shown on the approved plans or for built development on the land.

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/2023/2360
Property Ref: C019570022
Valid date: 07/12/2023
Location: Karibu Les Landes Clos Landes Du Marche Vale Guernsey
GY6 8DJ
Proposal: Change of use of estate amenity land to domestic garden
(175sqm) (retrospective) and hardstanding.
Applicant: Mr P Le Fric

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.

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Reason - In the interests of visual amenity and sustainable design.

INFORMATIVES

Householder exemption rights would not apply to this detached area of domestic land, forward of an elevation of the dwellinghouse Karibu, and the highway. Planning permission would therefore be required to lay hardstanding not shown on the approved plans or for built development on the land.

OFFICER'S REPORT

Brief Description of the site:

The application relates to a detached parcel of land situated to the northwest of the clos road and separated from the host property by the road. The application proposes a change of use of the land in order for it to form part of the domestic garden/curtilage of Karibu. Although the description of development related to agricultural land the parcel of land is separated from the adjoining fields by an earthbank and appears to form amenity land associated with the Clos. It is also noted that hardstanding exists on the land and the scheme refers to an area of parking therefore it is also reasonable to incorporate the formation of hardstanding into the description of development. The description of development has therefore been amended accordingly. As the use has been implemented and hardstanding exists, the application is considered to be retrospective.

At the time of the site visit the area of land was in use for storage, such as a lawn mower, engine and blocks. Part of the land had been hardsurfaced and multiple vehicles were parked on the land (with and without hardstanding).

As the use has been implemented and some hardstanding already exists, the application is considered to be retrospective.

The application was deferred in order to seek more detailed, precise plans relating to the site layout. As amended a drop kerb is shown to be installed. One drawing indicates that an area of block paving would be provided whilst the other shows tarmac as the proposed finished surface.

The site is located outside of the Centres as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case - A planning application would need to include plans showing the location of the parking, shed and existing trees/landscaping. Landscaping on the land should be retained where possible and particularly around the shed and parking area and the Clos road to offer screening to the shed and softening to the area(s) of hardsurfacing on the land.

Installation of a substation - under the previous law, planning permission was not required for operations undertaken for and on behalf of the States of Guernsey.

Aerial photographs of the site indicate that the land was cleared between 2001 and 2004 when parking was introduced to the northeast end of the land. In 2013 both parking and a trampoline appear to be in place on the site. Trees on the site since that time largely obscure the shed structure

Existing Use(s):

Clos amenity land.

Although falling under the same ownership as Karibu, does not form part of the recognised domestic curtilage of that property.

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:

GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development
GP15: Creation and Extension of Curtilage
IP7: Private and Communal Parking

Conclusion/Brief comment:

The IDP makes provision for the change of use of land to create or extend curtilage. In this instance the land would be situated within the area of the existing housing development and separated from the open land beyond by an existing bank. For this area, within the Clos/Estate, to be utilised for domestic purposes and parking would not have a detrimental impact on the character of the Clos or landscape character. The proposed change of use and hardstanding would respect the character of the local built environment and would not conflict with adjoining uses, being situated in a residential Clos. As submitted, the scheme does not propose additional/new planting or landscaping but shows areas of the site to be retained as planted rather than given over to parking, which is currently the case.

The site is not located within an APA or ABI nor would any established boundary features be removed therefore these elements of Policy GP15 are not applicable in this case.

On the one hand it could be argued that the land had been set aside as part of the estate development to offer landscaping/amenity land (to view or use) by occupiers of the estate and its loss for this purpose would have a detrimental impact on residential amenity. It is acknowledged however, that parking and ancillary domestic activities have been undertaken on the land for a considerable period of time therefore, the benefit to occupiers of the estate was reduced/removed, without complaint to the Planning Service. The effect of the loss of this area of land must, nonetheless, be fully considered. Matters relating to open landscape and landscape character have been considered elsewhere and the change of use would not conflict with the aims of Policy GP1 in this respect.

In relation to visual and physical access to land, visual access to the land would remain. The application drawings indicate two areas of parking, for 5 vehicles and this more formalised arrangement of the site over the existing situation would represent an improvement. The retention of trees and planting on the site will also help to mitigate the effect of the development on the character and appearance of the locality. In this case, given the relationship of the site to surrounding residential properties, the development would not result in harm to residential amenity or the character of the area.

Physical access would be removed given that it is in private ownership/use. It is unlikely however, to have greatly served occupiers of the estate in terms of offering an area of external amenity space for use by all given its size and peripheral location and overall Policy GP1 has been satisfactorily addressed along with the aims of Policy GP8 d).

The submission does not specifically address Policy GP9: Sustainable Development in relation to the form of construction and materials for the proposed surfacing along with resilience to climate change and flooding. The matter of flooding is not identified as problematic in this inland location nonetheless it is reasonable to

require the new hardsurfacing to be permeable and rainwater drains from the area into a soakaway or SUDS. This matter can be addressed by planning condition.

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 that permission is granted for the development. It is reasonable to impose a condition relating to the implementation of the proposed hardstanding in order to enhance the quality of the space and its effect on the character of the locality. As detached curtilage householder exemption rights would not apply however, for the avoidance of doubt any additional hardstanding beyond that shown on the application drawings would require planning permission.

Recommendation:

Grant with Conditions



Date:

