

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: Erect 1.5 storey extension to west (side) elevation, install hard surfacing to south (front) of property, change of use of agricultural land to domestic land (775sqm) and alterations to vehicle access (partially retrospective) (Protected Building).

LOCATION: Le Gardinet, Ruelle De Fries, Castel.

APPLICANT: Mr & Mrs J Regnard

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: 03/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2019 03.53B, 03.54, 03.55, 03.56, 03.57, 03.58, 03.59A, 03.60A & 03.61

Application Ref: FULL/2023/2372

Property Ref: D012770000

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.Prior to the installation of the block paving, details of the paving to be used shall be submitted to and approved in writing by the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To preserve the special quality and appearance of this Protected Building.

5.For the avoidance of doubt, permission is hereby granted for the change of use of the parcel of agricultural land to domestic land measuring 775sqm as coloured in blue on plan number 2019/03.59A.

Reason - To define the permission for the avoidance of any doubt.

6.Prior to 31/12/2024, a revised landscape scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of tree and mixed shrub planting including the numbers and/or densities of plants and their size at the time of planting; and
- ii) the treatment proposed for the green coloured ground surface within the extended domestic land.

Reason - In the interests of visual amenity and biodiversity.

7.The landscape scheme shall be fully completed, in accordance with plan number 2019/03.60A and as updated by the details agreed under the terms of the above condition 6, in the first planting season following the grant of this permission (i.e. by the 31/03/2025) or as otherwise 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 - In the interests of visual amenity and biodiversity.

8.If, during any development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - To address concerns about the potential for contaminated land.

Expiry Date: This permission will cease to have effect on 03/05/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this permission relates only to the garage, hardsurfacing labelled 11 on plan number 2019/03.53B, the alterations to the access labelled 12 on plan number 2019/03.53B and the extension of domestic curtilage as indicated on plan number 2019/03.59A. All other works indicated have or are to be dealt with under separate planning applications.

For the avoidance of doubt, this decision permits the proposed garage and store to be used only for purposes incidental to the enjoyment of the dwelling house. Any other use would require a separate grant of planning permission and involve different planning policy considerations.

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/2023/2372
Property Ref: D012770000
Valid date: 27/11/2023
Location: Le Gardinet Ruelle De Fries Castel Guernsey GY5 7PW
Proposal: Erect 1.5 storey extension to west (side) elevation, install hard surfacing to south (front) of property, change of use of agricultural land to domestic land (775sqm) and alterations to vehicle access (partially retrospective) (Protected Building).

Applicant: Mr & Mrs J Regnard

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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- i) full details of tree and mixed shrub planting including the numbers and/or densities of plants and their size at the time of planting; and
- ii) the treatment proposed for the green coloured ground surface within the extended domestic land.

Reason - In the interests of visual amenity and biodiversity.

7. The landscape scheme shall be fully completed, in accordance with plan number 2019/03.60A and as updated by the details agreed under the terms of the above condition 6, in the first planting season following the grant of this permission (i.e. by the 31/03/2025) or as otherwise 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 - In the interests of visual amenity and biodiversity.

8. If, during any development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - To address concerns about the potential for contaminated land.

INFORMATIVES

For the avoidance of doubt, this permission relates only to the garage, hardsurfacing labelled 11 on plan number 2019/03.53B, the alterations to the access labelled 12 on

plan number 2019/03.53B and the extension of domestic curtilage as indicated on plan number 2019/03.59A. All other works indicated have or are to be dealt with under separate planning applications.

For the avoidance of doubt, this decision permits the proposed garage and store to be used only for purposes incidental to the enjoyment of the dwelling house. Any other use would require a separate grant of planning permission and involve different planning policy considerations.

OFFICER'S REPORT

Site Description:

The site consists of a traditional farmhouse, outbuildings of varying age and an area of agricultural land under the same ownership to the north-east and east. The whole of the house and the barn to the south is a protected building. The 20th century elements involving the east timber lean-to, north kitchen and conservatory, lean-to to the south barn and sheds to the north and north-east are not protected.

The site is located Outside of the Centres, the agricultural land to the north-east of the dwelling is within an Agriculture Priority Area.

Relevant History:

05/09/2022 – FULL/2022/0145 – Permission granted to demolish extension and outbuilding and erect 2 storey extension to north (rear) elevation, erect single storey plant room/gym and erect wall and gate to east elevation (Protected Building).

30/09/2021 – FULL/2021/1569 – Permission granted to demolish lean-to extension to east (side) elevation. Install dormer window and rooflights to north (rear) elevation. Internal alterations and replacement windows and doors (partially retrospective) (Protected Building).

04/05/2021 – FULL/2020/1571 – Permission granted to re-roof dwelling and demolish chimney - (Retrospective) (Protected Building).

04/05/2021 - FULL/2020/1528 – Permission granted to demolish lean-to extension and erect single storey extension to east elevation, replace roof, alterations to fenestration and internal alterations to outbuilding to create dower unit (Retrospective) (Protected Building).

14/11/2019 – FULL/2019/1823 – Permission granted to demolish and rebuild chimneys, reconstruct section of wall on south and east elevations, remove roof, remove fascias and gutters and internal alterations (Protected Building).

25/07/2019 - FULL/2019/0237 – Application refused to demolish single storey extensions to north and east elevations. Erect two storey extension to north elevation. Rebuild section of east gable and chimneys, install rooflights to south roofslope, alterations to fenestration and internal alterations. Infill one roadside access and install gates to remaining vehicular accesses (protected building) (partially retrospective).

25/07/2019 - FULL/2019/0537 – Application refused to extend and convert outbuilding to form a dower unit/ancillary accommodation including demolish and rebuild lean-to extension, replace roof, replace fenestration and internal alterations (partially retrospective), (revised), (Protected Building).

21/02/2019 – FULL/2018/2842 – Application refused to extend and convert outbuilding to form a dower unit/ancillary accommodation including demolish and rebuild lean-to extension, replace roof, replace fenestration and internal alterations (Protected Building).

Existing Use(s):

Residential use class 1: dwelling house
Agriculture use class 28

Brief Description of Development:

Planning permission is requested to erect a 1½ storey pitched roof garage and store attached to the west (side) elevation of the dwelling, install hard surfacing to south (front) of property, change the use of a parcel of agricultural land measuring 775sqm to a domestic garden associated with the dwelling Le Gardinet and demolish section of roadside wall and increase the width of the vehicular access to 8.6m. The alterations to the vehicular access are partially retrospective.

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

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

Policy GP1: Landscape Character and Open Land

Policy GP5: Protected Buildings

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP13: Householder Development

Policy GP15: Creation and Extension of Curtilage

Representations:

Two representations were received, including a representation on behalf of La Société Guernesaise, main points as follows:

- Size and height of garage is excessive.

- Questions need for store considering existing outbuildings.
- Visibility of building from the highway.
- External illumination should be restricted to limit nuisance to neighbouring properties.
- There is no reason for the change of use of the land.
- Width of the access is excessive.
- No justification for the size of the horsebox vehicle.
- Drainage in Ruelle des Cherfs has been affected by the development of this site.
- La Société Guernesiaise raise concerns about the reclassification of agricultural land to domestic land but as this is permitted under the Island Development Plan they seek to optimize ecological gains. The provision of an element of soft landscaping is fully endorsed but the potential biodiversity gains will be limited due to the proportion of non-native species such as the use of Japanese Spindle as the roadside hedge. It is noted that native alternatives would support more wildlife.

Consultations:

The Office of Environmental Health and Pollution Regulation, 03/04/2024

"I have reviewed the proposed application for the above property, specifically regarding the change of use of agricultural land to domestic land.

By interrogating the States' Digimap system and records, I have established that a heated greenhouse was historically located within the area that is proposed to become domestic land. Whilst records show that this was removed from the site many years ago, the potential for land contamination remains. I can see from the plans submitted that apple and lime trees are proposed to be planted within the new domestic curtilage, and the applicant should be aware of the potential for land contamination at this location. This is also important if there are further plans to grow fruit trees or vegetables on the land.

I would recommend that the following condition is attached to any granted permission:

- If, during any development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

I would be grateful if this is considered during the determination of this application".

Summary of Issues:

The main issues in deciding this application are:

- The impact of the works on the special interest of the protected building.
- The scale, design and impact of the development on the character and appearance of the area.
- The change of use of the land and the impact on the openness and landscape character of the area.
- The impact on the amenities of neighbouring residents.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The proposed garage is large, but it is set back from the front elevation of the protected building and it is proportionate to the size of the approved extended dwelling which is currently under construction (see FULL/2022/1045). The plans show that there are no alterations to the protected parts of the building other than the connection. Despite its size, the extension includes some traditional elements to reflect the existing building, such as the granite faced front elevation, and although the extension would have a slight negative effect on the setting of the protected building this is outweighed by the reasonable aspiration of the property owners. The installation of hard surfacing to the front of the property would have a moderate effect on the setting of the protected building but this is outweighed by the reasonable aspiration of the property owners, subject to details of the surfacing materials by condition. The proposal complies with Policy GP5.

The extension would result in an increase to the scale and mass of the approved extended dwelling. However, the extension would be subservient to the approved extended dwelling and its overall design would achieve a good standard of design. The extension would be visible in public views to the south-west and west along Ruelle de Fries but the previously proposed landscaping which formed part of application FULL/2022/1045 along the west boundary would help to soften the visual impact of the extension from these viewpoints.

The proposed width of the access is bordering on excessive and it would result in a loss of enclosure along the highway. However, the limited width of the highway does provide a degree of justification for an access wider than might usually be necessary. In addition, the design, materials and finish of the entrance walls and pillars achieves a good standard of design, and considering the length of the roadside boundary that would be retained, in this case the widening of and alterations to the access are unlikely to have an unacceptable adverse effect on the landscape character of the

wider area. Taking into account the support and flexibility for extensions and alterations to existing residential properties as set out in Policy GP13, the proposed extensions, hard surfacing and alterations to the access do not conflict with Policies GP1, GP8 and GP13.

Due to the distance to neighbouring residential dwellings the proposed extension is unlikely to have any significant adverse effects on the amenities of neighbouring residents.

The proposal to extend the domestic curtilage falls to be considered principally under Policies GP15, GP1 and OC5(B) of the Island Development Plan.

The site is not within an Area of Biodiversity Importance or an Agriculture Priority Area and the proposed change of use would not of itself have an adverse impact on or affect the amenities of neighbouring residents. As discussed above, the alterations to the roadside boundary are considered to be acceptable under Policies GP13 and GP1.

The land the subject of this application is visible from Ruelle de Fries but it is bordered by high walls to the east and north and it does not form part of a wider area of open land. The land is bounded by built development to the east, north and west and it gives the impression of being associated with the existing buildings on the site. As a result, the proposed change of use of the land is unlikely to have a significant adverse effect on the landscape character of the area, in accordance with Policies GP15 and GP1.

The proposed tree planting in the south-east corner of the site has the potential to provide biodiversity enhancements. No details are provided about the surfacing of the remainder of the land but it would appear to be laid to grass. Provided that the remainder of the land is laid to grass, as opposed to an impermeable hard surface, the proposal is likely to provide proportionate biodiversity enhancements. Precise details of the planting and the surfacing of the land can be requested by condition. To ensure that appropriate biodiversity enhancements are achieved in a timely manner, it is recommended that the proposed landscaping scheme is completed by the end of the next planting season, i.e. by 31/03/2025.

It is recommended that a condition is attached to the decision notice to address the concerns raised by The Office of Environmental Health and Pollution Regulation regarding the potential for contaminated land.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

Due to the siting and nature of the works the subject of this application, the proposal is unlikely to have any adverse effects on drainage within Ruelle des Cherfs.

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.

It is recommended that the application is approved.

Date: 02/05/2024