

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 (309sqm) (Retrospective).

LOCATION: Castillion, Palm Grove, Rue Sauvage, St. Sampson.

APPLICANT: Mr & Mrs B Queru

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: 16/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/01/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 5476-04/B1 & /B2B.

Application Ref: FULL/2024/0071

Property Ref: B01583G005

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 landscaping scheme shall be fully completed, in accordance with the approved Landscape Plan 5476-04/B2/B, 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.

Expiry Date: This permission will cease to have effect on 16/04/2027 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/2024/0071
Property Ref: B01583G005
Valid date: 25/01/2024
Location: Castillion Palm Grove Rue Sauvage St. Sampson Guernsey GY2 4WJ
Proposal: Change of use of agricultural land to domestic garden (309sqm) (Retrospective).
Applicant: Mr & Mrs B Queru

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.

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Reason - In the interests of visual amenity and biodiversity.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Castillion' is a mid-20th century bungalow which has been extended over the years. The dwelling is set back from and faces south onto Palm

Grove, there are similar detached bungalows to the east, west and across the road to the south. To the north the garden backs onto another rear garden. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house

Agricultural use class 28: agriculture.

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:

GP1: Landscape Character and Open Land

GP8: Design

GP15: Creation and Extension of Curtilage

Letters of Representation:

There has been one letter of representation and the issues are:

- With respect to this application, although the agents mention biodiversity, there does not appear to be any plans for improving the site. It is difficult to tell what is already planted, but much of it appears to be non-native. Should permission be granted for this extension, then increased pressure could be placed on the wooded area to the west. A native hedge would benefit the area, particularly if the biodiversity proposals come to fruition for the developments to the east. Is the area measurement quoted, correct?*

After the advertising period a second letter of representation was received;

- 'We note that the application does not include specific biodiversity measures as required by Planning.*
- We wish to advise that La Societe would be able to assist with matters relating to biodiversity measures, for example to arrange surveys of the existing site and to provide suitable recommendations on how the land could be enhanced.'*

Consultations:

Agriculture, Countryside and Land Management Services – 29/01/24

'We have noted that the application for change of use does not include reference to biodiversity enhancements associated with the development of the site (the

information provided in the justification report being general information and not related to the site).

In the 2018 habitat survey, the land was classified as Planted Broad-Leaved Woodland which is a priority habitat in Guernsey and is expected to have supported high levels of biodiversity. As it does not appear that a biodiversity assessment was completed prior to the conversion of land (and no evidence has been produced that shows the habitat to have been in bad condition) we would recommend that the habitats on site prior to change of are considered to have been in 'good' condition, as per best practice guidance in the UK. Therefore to lead to an enhancement in biodiversity the proposals will need to incorporate significantly more biodiversity enhancements than are currently indicated in the site photos.

If the application is granted permission, the Planning Authority may wish to condition that those biodiversity enhancements are implemented or, alternatively, if not granted, that the area be returned to its original habitat classification. We would be very happy to review any proposed plans for either biodiversity enhancements or restoration (i.e. to restore the area to its previous habitat type and condition) should this be required or helpful.'

Agriculture, Countryside and Land Management Services – 22/03/24

'Thanks for sharing this. I've had a quick look through the documents they've provided. I agree that based on the photographs they've provided that it was previously dense scrub and not planted broadleaved woodland as per the 2018 habitat survey. This isn't a priority habitat and, as described in the justification report, it is a common habitat across the island. Scrub does, however, provide a habitat for wide array of biodiversity, including, for example, nesting birds and small mammals. The cover letter and justification report also described presence of fallen trees within the scrub - this dead wood will further enhance the biodiversity of the site as it provides a habitat for fungi and invertebrates. We do note that some of this dead wood has been retained on site as a log pile, and that a hawthorn and elder have been retained – these actions will have reduced the overall net loss of biodiversity.

We also note that more than 60% of the site is landscaped with planters. These will support more biodiversity than if the area were simply set to lawn. These planters, however, do appear to be planted predominately with non-native species which will reduce the diversity of species support there.

The additional features; native hedging, bug hotels and a compost heap will also contribute to the sites biodiversity value. Unfortunately, it is unlikely that these measures will be sufficient to have offset the loss of biodiversity from the initial clearance, however I don't believe that the residual loss would be significant. This could, perhaps, be offset through the planting of a native tree or the inclusion of a pond.'

'Thanks for sharing, great to see the additional trees included. That looks good now.'

Conclusion/Brief comment:

This is a retrospective application to have a change of use for the upper end section of the property which has previously been agricultural land. However, the area of land has been turned into an extension of the garden, with planting beds, trees, pathways and lawn.

The application was deferred due to concerns that it had not been demonstrated that the proposal would involve biodiversity enhancements. Revised details including additional planting were subsequently submitted to address these concerns.

Retrospectively the biodiversity improvements have been to include large planters, which take up more than 60% of the area, with a wide variety of plants, types and sizes, laying the rest to lawn with no hardstanding. In addition to this, it is proposed to add three bug hotels and a compost heap, plant a native hedge and add three new silver birch trees, and to continue to manage the existing planting to ensure insects, birds and small animals can benefit from the area.

Although no major improvements have been proposed, the area of the land is considered to be small enough not to warrant a larger improvement scheme and the measures proposed are sufficient to demonstrate proportionate biodiversity enhancements.

The patch of land which is surrounded by other residential gardens is not part of an open landscape and therefore the change to residential garden is not considered to have any impacts on the character and appearance of the surrounding area, nor would it have any adverse effects on neighbour amenity.

No boundaries will be altered and there is no other access other than past the domestic dwelling, removing the ability for the land to be used commercially for agriculture.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 15/04/2024