

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 (420sqm) (revised scheme).

LOCATION: Les Galliennes, Route Des Talbots, St. Andrew.

APPLICANT: Mr & Mrs D Etasse

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: 03/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/01/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7548-04 B1B, B2B

Application Ref: FULL/2024/0089

Property Ref: K002840000

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 undertaking of any landscaping approved as part of this permission, a detailed landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) details of the construction of the earthbank to be constructed along the boundary of the extended curtilage;
- ii) method statement for the creation and management of the areas outside of the domestic curtilage hereby approved, including wild grass/flower areas and other grass areas;
- iii) full details of tree and hedge planting;
- iv) planting schedules, noting the species, sizes, numbers and densities of plants; and
- v) details of bug hotels.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings, to demark the domestic curtilage and to meet the requirements of the Strategy for Nature.

5.The earthbank hereby approved along the west boundary of the extended curtilage shall be fully completed, in accordance with the details agreed under the terms of Condition 4, prior to the first use of the land for domestic purposes, or in accordance with a programme previously agreed in writing by the Authority.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings, to demark the domestic curtilage and to meet the requirements of the Strategy for Nature.

6.With the exception of the works referred to under Condition 5, the landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the Condition 4, in the first planting season following the first use of the land for domestic purposes, 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 a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings, to demark the domestic curtilage and to meet the requirements of the Strategy for Nature.

7.If, during 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 make sure that the site, when developed is free from contamination, in the interests of public health and safety.

8.For the avoidance of doubt, this permission does not confer any consent for the laying of any hardsurfacing or the installation of any retaining features outside of the domestic curtilage hereby approved.

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

Expiry Date: This permission will cease to have effect on 03/06/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In respect of Condition 4, it is advised that the landscaping to be undertaken outside of the domestic curtilage hereby approved be carefully considered to ensure an appropriate response to the landscape character, avoiding a domesticated parkland appearance.

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/2024/0089
Property Ref: K002840000
Valid date: 15/01/2024
Location: Les Galliennes Route Des Talbots St. Andrew Guernsey
GY6 8SQ
Proposal: Change of use of agricultural land to domestic garden
(420sqm) (revised scheme).

Applicant: Mr & Mrs D Etasse

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.

4. Prior to the undertaking of any landscaping approved as part of this permission, a detailed landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) details of the construction of the earthbank to be constructed along the boundary of the extended curtilage;
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Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings, to demark the domestic curtilage and to meet the requirements of the Strategy for Nature.

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Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings, to demark the domestic curtilage and to meet the requirements of the Strategy for Nature.

6. With the exception of the works referred to under Condition 5, the landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the Condition 4, in the first planting season following the first use of the land for domestic purposes, 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 a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings, to demark the domestic curtilage and to meet the requirements of the Strategy for Nature.

7. If, during 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 make sure that the site, when developed is free from contamination, in the interests of public health and safety.

8. For the avoidance of doubt, this permission does not confer any consent for the laying of any hardsurfacing or the installation of any retaining features outside of the domestic curtilage hereby approved.

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

INFORMATIVES

In respect of Condition 4, it is advised that the landscaping to be undertaken outside of the domestic curtilage hereby approved be carefully considered to ensure an appropriate response to the landscape character, avoiding a domesticated parkland appearance.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a house, enclosed barn and detached outbuilding, the associated domestic curtilage and the land to the south-west and south-east.

The house and enclosed barn at the application site date from before 1787, and both are arranged gable-on to the Route des Talbots. The recognised domestic curtilage of the property was initially extremely limited, running along the north elevation of the enclosed barn, including the small formal garden to the south-west of the house and the outbuildings and yard to the south-east of the house.

Permission has been granted for extension and alteration of the house and construction of a detached outbuilding to the south, and separately for an extension of curtilage to the south to enable provision of a new access to serve the house. The latter consent included a requirement for the construction of an earthbank along the southern boundary of the extended curtilage. Works are underway on the implementation of those permissions, including the demolition of the west wing of the house, partial construction of the extension, construction of the outbuilding and formation of the new vehicular access.

Permission has also been granted for the conversion of the enclosed barn, including a limited extension of curtilage to the west of that building, enclosed by an earthbank and hedging.

The site ownership also extends to an area of c2.8 acres to the south-west and south-east of the buildings, running along the south-west of Route des Talbots towards the junction with L'Ecluse to the south-east. The land outside of the domestic curtilage was formerly under glass, however the glasshouses have been cleared from the site and the land is now open grassed land.

The site formerly included a 19th century open sided barn, located to the north of the buildings identified above, a smaller outbuilding located to the north of the enclosed barn and a former mill building located adjacent to Rue des Roquettes to the north. Those buildings are however now under separate ownership, and permission has been granted and implemented for the conversion of the open sided barn to residential use, including the creation of curtilage in association with that use. Permission has also been granted for the relocation of the access to the north-west of the enclosed barn, although this has not been fully implemented.

The whole of the house and enclosed barn, together with the roadside wall adjacent to those structures, is protected.

The site is located Outside of the Centres, within an Agriculture Priority Area, in the Island Development Plan.

Relevant History:

15/10/20 FULL/2020/1273 Permission for change of use of agricultural land to domestic garden and create new vehicular access and parking area to east of dwelling.

23/12/21 FULL/2021/0031 Permission for conversion of barn to south-west of site into a dwelling, demolish outbuilding, alterations to wing, change of use of land to domestic, create new vehicular access and close existing access. (Revised scheme).

14/12/22 FULL/2022/0786 Permission to demolish extensions, extend and alter at ground and first floor levels, demolish and rebuild chimney and internal and fenestration alterations. Erect detached garage to east boundary and landscaping and lay cobbled driveway (Protected Building).

FULL/2023/0441 Convert barn/store to west of dwelling into residential dwelling (Protected Building). Approved 03/04/2024

FULL/2023/1523 Change of use of agricultural land to domestic garden (2,087sqm) and install BBQ area. Refused 15/12/2023

Existing Use(s):

Residential Use Class 1
Agricultural Use Class 28

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:*Extension of curtilage*

OC5(A) Agriculture Outside of the Centres – within the Agriculture Priority Areas

GP1 Landscape Character and Open Land

GP15 Creation and Extension of Curtilage

Strategy for Nature

Consultation responses:

The Office for Environmental Health and Pollution Regulation comments as follows:

I have reviewed the proposed plans for the change of use of agricultural land to domestic garden at the above site. I have looked closely at the plan submitted showing the delineation of proposed curtilage.

I have also interrogated Guernsey Historic Maps, Historic Orthophotos and Cadastre Registry of Land, which show there were once heated glasshouses installed on the site. It is not possible to know which greenhouses were heated, however I note that greenhouses were previously located directly adjacent to the proposed curtilage line.

Due to the potential for heated greenhouse to cause contaminated land issues, I would recommend that the following condition is attached to any granted planning consent:

- If, during 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 Planning Services a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Department 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.

Representation:

*La Societe Guernesiais*e comments as follows:

La Societe remains concerned over the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan currently permits the consideration of such applications, we seek to optimize ecological gains in such cases wherever possible.

We note that whilst the application includes broad biodiversity measures, it does not appear to provide the details which would enable us to consider the suitability of any planting, especially of trees, shrubs and wildflowers. Neither is there any information on how grassed areas would be managed in terms of (for example) mowing regimes, the treatment of cuttings and the approach to the use of agri-chemicals. The existing landscaping on the wider site is 'parkscape' in nature in respect of its semi-formal tree planting and formal lawns and as such, supports only low levels of biodiversity.

We note that the field is within an Agricultural Priority Area.

Conclusion/Brief comment:**Extension of curtilage**

This application comprises an amended scheme to extend the domestic curtilage of the property, following previous refusal. The scheme comprises a significant reduction in the proposed area of extension, and has been partially approved under FULL/2023/0441, in respect of the curtilage proposed to be associated with the enclosed barn conversion.

Policy OC5(A) supports development which would result in the loss of agricultural land where the proposed new use accords with all other relevant policies.

The application site is situated within the Talbot Valley and is located linearly along the valley bottom, with the stream running through the valley transecting the land south-north and the Route Des Talbots running along the north-east boundary, elevated above the application site and associated land. The building group at the site is located adjacent to the roadside, with the associated land extending across and along the valley bottom to the west and south being undeveloped in nature. Historically, glasshouses were located between the building group and the stream at the valley bottom, and the land was terraced to support this horticultural use. The glasshouses and associated structures, excepting two remaining chimneys, have however been removed and the character of the land is now open.

The current proposal would comprise a very limited projection into the open land, not extending beyond the Hayloft building to the north of the site, and would not result in significant impacts on landscape character or openness.

It was accepted under the previous application that the larger area of land which formed the subject of that application, by virtue of the topography, access, position relative to the existing building group and functional agricultural land, and the treed/vegetated nature of the surrounding area, together with the small scale of the land relative to current commercial agricultural requirements, would not be likely to positively contribute to the commercial agricultural use of the Agriculture Priority Area (APA). The current application is for a smaller area of land, located in close proximity to the existing domestic use, and the conclusion in respect of the APA would not change.

The site is not located within or adjacent to an Area of Biodiversity Importance and no boundary features are to be removed. The proposed use of the land would be for domestic purposes, and, taking into account the proposed use and the relationship to surrounding residential property, the proposal would have no adverse effects on neighbouring residents.

The previous consents granted to convert the barn and to create a new access to the property were conditional upon the creation of planted earthbanks around the perimeter of the extended curtilage to the barn, and along the southern boundary of the curtilage extension approved to allow for the new access. Those requirements remain in place.

As part of the current application no demarcation was initially proposed along the edge of the extended curtilage to be associated with the main house, and there were concerns regarding the potential encroachment of domestic use on to the open land. Furthermore, limited elements were proposed to address the requirements of the Strategy for Nature, with much of the planting shown on the submitted plans already forming part of the requirements of previous applications. Following deferral, it is proposed to form a planted earthbank along the remainder of the boundary to the extended curtilage and that work, together with the wild grass area and planting to the north of the house and wild grass/flower areas and bug hotels shown outside of the extended curtilage, would be sufficient to address the requirements of the Strategy for Nature, taking into account the relatively limited extension proposed under this application. It is however noted that extensive clearance has been undertaken to the land outside of the domestic curtilage, which has impacted on the biodiversity value of that land. Full details demonstrating a sensitive approach to maintaining this land as open and undeveloped rural land, and not as domesticated parkland should be required by condition, and it is suggested that advice could be sought from the relevant bodies to ensure an appropriate approach to the land. Implementation of the approved scheme for landscaping can be required by condition.

Ordinarily, it would be expected that this work was undertaken within the next planting season following the date of decision however, given the extent of works ongoing at the site and that the dwelling is not currently habitable, this would not be reasonable in this instance and it is recommended that implementation is required prior to use of the land for domestic purposes.

In the context of this site there is no requirement to remove exemption rights.

Other works outside of curtilage

The submitted plans indicate laying of an area of hardsurfacing and erection of a retaining feature outside of the proposed curtilage. This work is not cited on the application form or in the covering letter and no fee has been paid for it. This work does not therefore form part of the current application, nor of any associated approval, and any such proposal would need to be carefully considered in terms of the domestication of land outside of curtilage.

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: 31/05/2024

