

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 (1000sqm).

LOCATION: Le Paas, Rue Des Pres, St. Pierre Du Bois.

APPLICANT: Mr & Mrs W E D Mason

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: 12/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Site Location Plan- 1:1250, Planting details.

Application Ref: FULL/2024/0271

Property Ref: F012370000

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 commencement of any work in connection therewith a landscaping scheme to include the location of each species proposed, along with the size, number and density of the plants/trees shall be submitted to and agreed in writing by the Authority by 31/12/2024.

Reason - To ensure satisfactory biodiversity enhancements.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, by the end of the planting season following the grant of consent (by 31st March 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 - To ensure a satisfactory external appearance in the interests of visual amenity and to secure biodiversity enhancements.

6 .Notwithstanding the details shown on the submitted plans, this application does not approve the change of use of the southern parcel of land to residential curtilage.

Reason: For the avoidance of any doubt.

Expiry Date: This permission will cease to have effect on 12/06/2027 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/2024/0271
Property Ref: F012370000
Valid date: 13/03/2024
Location: Le Paas Rue Des Pres St. Pierre Du Bois Guernsey GY7 9AH
Proposal: Change of use of agricultural land to domestic garden (1000sqm).

Applicant: Mr & Mrs W E D Mason

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).

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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 commencement of any work in connection therewith a landscaping scheme to include the location of each species proposed, along with the size, number and density of the plants/trees shall be submitted to and agreed in writing by the Authority by 31/12/2024.

Reason - To ensure satisfactory biodiversity enhancements.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, by the end of the planting season following the grant of consent (by 31st March 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 - To ensure a satisfactory external appearance in the interests of visual amenity and to secure biodiversity enhancements.

6. Notwithstanding the details shown on the submitted plans, this application does not approve the change of use of the southern parcel of land to residential curtilage.

Reason: For the avoidance of any doubt.

OFFICER'S REPORT

Site Description:

The site is located on Rue des Pres, within the Agriculture Priority Area, Outside the Centre and the dwelling is a pre-1900 building.

The existing curtilage is immediately to the rear of the building and wraps around the building to the southeast.

Relevant History:

N/A

Existing Use(s):

28 Agricultural

Brief Description of Development:

The application proposes the change of use of approx. 800sqm of agricultural land to domestic garden in association with the residential occupation of the dwelling, Le Paas. The application was deferred to request details of biodiversity enhancements which are now proposed by means of tree planting to an area of land to the rear boundary.

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

OC5(A) – Agriculture Outside of the Centres- within the APA

GP1 – Landscape Character and Open Land

GP8 – Design

GP15 – Creations/Extension of Curtilage

Strategy for Nature

Representations:

One letter of representation was received from La Societe regarding the lack of detail regarding the biodiversity measures included in the application.

Consultations:

N/A

Summary of Issues:

The main considerations in this application include:

- Principle of development
- Strategy for Nature
- Impact of extension of curtilage on landscape character

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).**

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 land proposed for inclusion within the residential garden of Le Paas is located to the north side of the roadside dwelling and is largely screened in public views from the road by mature boundary hedging along the roadside boundary meaning only glimpsed views are possible from either direction along the road.

Originally, the application included a parcel of land to the south of the dwelling, however, it was considered that the southern parcel abutted open, undeveloped land and this aspect was removed from the application (by the Applicant, by email dated 06/06/2024) following officer concerns raised over the ability of the southern parcel of land to contribute to commercial agriculture.

The boundaries of the proposed area of curtilage are clearly delineated, and although the site is located within the APA, this northern parcel of land is enclosed by the adjacent existing area of woodland to the west and existing domestic garden to the south and has limited potential or practical use for commercial agriculture.

The change of use would not have a significant impact on landscape character or openness, as the site is not considered to be prominent in the landscape setting, 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.

In respect of the Strategy for Nature, as initially submitted the application included a commitment to tree planting in an area of land to the south west of the dwelling (shown edged in yellow on the submitted Site Location Plan). Although acceptable in principle, given that the area of planting was included within the red line of the application site, the absence of information in respect of the proposed planting meant that this proposal in isolation was not considered to address the requirements of the Strategy for Nature.

The site is identified in the 2018 Habitat Survey as Amenity Grassland and is therefore likely to be of limited biodiversity value. Following deferral, a more specific and detailed planting proposal has been submitted, prepared by La Société. The landscape and biodiversity proposals now put forward are, on balance, considered to address the requirements of the Strategy for Nature. To ensure this is the case it is recommended that implementation of the proposed scheme is required by condition.

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

The amended scheme meets the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 10/06/2024

