

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 (300 sq.m.) and erect outbuilding/cabin to south boundary.

LOCATION: Ma Petite, Les Ruettes, St. Andrew.

APPLICANT: Mr & Mrs C & N Tanguy

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: 19/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Plan, Cabin photograph and dimensions, Biodiversity Planting Plan and Biodiversity Statement

Application Ref: FULL/2024/0366

Property Ref: K001310000

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.The landscaping scheme shall be fully completed and managed, in accordance with the details contained in the approved Biodiversity Plan and Statement, 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.

Expiry Date: This permission will cease to have effect on 19/04/2027 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/2024/0366
Property Ref: K001310000
Valid date: 04/03/2024
Location: Ma Petite Les Ruettes St. Andrew Guernsey GY6 8UQ
Proposal: Change of use of agricultural land to domestic garden (300 sq.m.) and erect outbuilding/cabin to south boundary.

Applicant: Mr & Mrs C & N Tanguy

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. The landscaping scheme shall be fully completed and managed, in accordance with the details contained in the approved Biodiversity Plan and Statement, 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.

OFFICER'S REPORT

Brief Description of the site:

The site comprises of a relatively narrow strip of agricultural land located between the detached dwellings of Ma Petite and Kepano. The site is located Outside the Centres and is also outside the Agriculture Priority Area.

Relevant History:

N/A

Existing Use(s):

28 Agriculture

Assessment: *(Tick as appropriate)*

no representation

✓
✓
✓
✓

accords with policy

within curtilage

design acceptable

visual amenity acceptable

no material neighbour impact

traffic not affected

✓
✓
✓

Policies considered most relevant:

GP1- Landscape character

GP8 – Design

GP9 – Sustainable Development

GP13- Householder Development

GP15- Curtilage Extension

Conclusion/Brief comment:

The proposed change of use of the existing agricultural land to use as residential garden in association with the dwelling Ma Petie, would be primarily considered under Policy GP15. This allows the extension of curtilage where it would not have an unacceptable impact on landscape character, and it is demonstrated that it would not involve an unacceptable loss of established boundary features that contributes positively to the character of an area, and it would not adversely effect the reasonable amenities of neighbouring residents.

The strip of land is sandwiched between residential development to the north, south and west with the road to the east and open fields opposite, this means that the proposed change of use would not have a significant impact on the already residential character of the area on this side of the road. No loss of established features is proposed, and there is not anticipated to be any significant impacts on neighbour amenity as a result of the change of use, as existing residential gardens bound the site.

In line with the Strategy for Nature, a biodiversity plan and statement have been submitted which identifies the proposed native planting and ecological management methods. This fulfils the requirement to ensure that biodiversity enhancements are secured, and will be conditioned to ensure its provision.

The proposed cabin is to be located within the extended garden, along the southern boundary with the neighbouring property, Kepano. The cabin is to be of timber construction, measuring 4.9m by 3.65m and is 2.5m to the ridge height. This is considered to be appropriate in scale for domestic use and the modest ridge height will prevent any overshadowing of the neighbour to the south, preventing significant harm to neighbouring amenity. The proposed outbuilding is acceptable in relation to Policy GP13.

The proposal is also considered to meet the requirements of Policy GP1 as the neither the proposed extension to the garden or new outbuilding will result in unacceptable impacts to the open landscape character of the area.

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: 17/04/2024

