

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 (2,490sqm).

LOCATION: Les Vallettes De Haut, Route Des Sages, St. Pierre Du Bois.

APPLICANT: Mr C Crew & Mrs E Priaulx-Crew

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: 08/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan; Block Plan

Application Ref: FULL/2024/0454

Property Ref: F006650000

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.Within three months of the date of this permission, a tree management plan, including long term objectives, any supplementary planting planned and maintenance schedules has been submitted to and agreed in writing by the Authority. The agreed tree management plan shall then be fully implemented.

Reason - To make sure that the development does not impact adversely on the visual amenity of the area and that appropriate biodiversity provision is achieved.

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of this permission, by 31 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 make sure that the development does not impact adversely on the visual amenity of the area and that appropriate biodiversity provision is achieved.

Expiry Date: This permission will cease to have effect on 08/05/2027 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/2024/0454
Property Ref: F006650000
Valid date: 08/03/2024
Location: Les Vallettes De Haut Route Des Sages St. Pierre Du Bois
Guernsey
Proposal: Change of use of agricultural land to domestic garden
(2,490sqm).

Applicant: Mr C Crew & Mrs E Priaux-Crew

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. Within three months of the date of this permission, a tree management plan,

including long term objectives, any supplementary planting planned and maintenance schedules has been submitted to and agreed in writing by the Authority. The agreed tree management plan shall then be fully implemented.

Reason - To make sure that the development does not impact adversely on the visual amenity of the area and that appropriate biodiversity provision is achieved.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of this permission, by 31 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 make sure that the development does not impact adversely on the visual amenity of the area and that appropriate biodiversity provision is achieved.

OFFICER'S REPORT

Site Description:

Les Vallettes De Haut is located to the south-west of Route des Sages, and is elevated slightly above the level of that road. The dwellinghouse on the site is located within the domestic curtilage to the north of the site, with agricultural land to the south. The glasshouse on the agricultural land has been recently cleared, although ancillary structures remain, and the land is terraced down towards the road with a swath of tree planting along the land adjacent to the road.

The site is bounded by agricultural land for the majority of the western boundary, with a residential property located at the southern end of that boundary and a further residential property, at a lower level, to the south.

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

Relevant History:

Pre-application advice regarding extension of domestic curtilage.

Existing Use(s):

Residential Use Class 1
Agricultural Use Class 28

Brief Description of Development:

Planning permission is sought to change the use of the agricultural land to the south of the site for domestic use. It is proposed to retain the structures remaining on the land (formerly ancillary to the horticultural use of the land), and the fruit cage. Bamboo will be removed and a hedge of native species would be planted along the south boundary.

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

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

GP1 Landscape Character and Open Land

GP15 Creation and Extension of Curtilage

Representations:

La Societe Guerneslaise:

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 some biodiversity measures, which we welcome, it does not appear to provide the details which would enable us to consider the suitability of any planting, for example the species of 'native' hedge is not specified and further, we are aware that much of the south boundary is already comprised of natural hedging, possibly with an existing earthbank on the western half.

We support the planting of a new orchard area, but would point out that the site already had established fruit trees to the east of the now-cleared greenhouse, along with a large number of other mature trees – the aerial photograph illustrates how wooded the site was prior to any clearance. We do not know if the existing trees are to be retained and as such cannot determine if the proposed biodiversity measures would result in a net ecological gain. If the site has been extensively cleared, the proposed measures would merely offset some of the lost habitat. Conversely, if existing trees have been retained, then a net gain is feasible.

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

Consultations:

None undertaken.

Summary of Issues:

Impact on open landscape character;
Impact on the Agriculture Priority Area;
Impact on biodiversity and provision of mitigation.

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 application site is located on the upland plateau, as defined within Annex V of the Island Development Plan, at the head of a valley. The land outside of the domestic curtilage was previously under glass, with two long spans along the west boundary and a detached span immediately to the east. Over time the glasshouses have all been removed, with the last span removed this year, and the condition of the land varies from exposed soil to various levels of growth. Land levels fall across the site from the north-west to south-east, and the land is terraced across the footprint of the former glasshouses and slopes down to the east of those glasshouses, but remains slightly elevated above Route de Sages which runs along the north-east boundary. The eastern part of the site supports a number of established trees.

The land to the west and across Route des Sages to the east of the site is open, with that to the east interspersed with scattered residential properties along the roadside. To the south the site abuts an area of residential properties.

The site has value in providing a natural background in views from Route des Sages, however those views are limited to the section of road adjacent to the site boundary and wider views are limited by the topography of this area, together with established planting and built form. Taking into account the position of the land between the dwelling at the site and surrounding residential property, the limited views within the surrounding area, the heavily vegetated nature of the land adjacent to the road, and the limited exemption rights applicable given the position of the dwelling on the site, the proposed change of use would not in itself alter the contribution that the site makes to landscape character or openness. The application indicates that the existing trees would be retained, which would further limit any impacts arising from the proposal, and a tree management plan can be required by condition to ensure this is the case.

The land is located within an Agriculture Priority Area however, taking into account the relationship of the land to surrounding agricultural and residential land, the access to and tiered nature of the land, it would not be likely to positively contribute to the commercial agricultural use of the Agriculture Priority Area.

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 land at the site is identified within the Habitat Survey 2018 as a mix of planted mixed woodland (primarily along the roadside), plantation woodland, planted broadleaved woodland, tall ruderal and improved grassland.

To address the requirements of the Strategy for Nature, the application proposes biodiversity enhancements across 20% of the land area, including:

- Removal of two areas of invasive bamboo;
- Planting a 65m long mixed native hedge along the south boundary;
- Planting a 400sqm orchard (14 trees), with the land cleared and managed to form a wildflower meadow.

The extent and nature of the enhancements proposed, together with the retention of the existing planted area to the east of the site, would meet the requirements of the Strategy for Nature. As noted above, management of the trees at the site, ensuring an ongoing contribution to landscape character, visual amenity and biodiversity, can be controlled by condition, as can the implementation of the other elements proposed.

Overall, and subject to the conditions outlined above, the proposal accords with the purpose of the Law, material considerations and relevant planning policies. In the context of this site there is no requirement to remove exemption rights.

Date: 02/05/2024

