

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 (2,200sqm) and associated works.

LOCATION: Mill View, Rue Batee, Vale.

APPLICANT: Mr & Mrs J De Castro

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: 04/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Chris Workan & Co. Ltd: JDC:23:06/09A.

Application Ref: FULL/2024/0561

Property Ref: C00382B000 + C00382A000

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, as set out on the approved plan (Drawing No JDC:23:06 09A) in accordance with Environment Guernseys advice by 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 - To achieve biodiversity enhancements in a timely manner to meet the requirements of the Strategy for Nature.

Expiry Date: This permission will cease to have effect on 04/06/2027 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/2024/0561
Property Ref: C00382B000 + C00382A000
Valid date: 22/03/2024
Location: Mill View Rue Batee Vale Guernsey
Proposal: Change of use of agricultural land to domestic garden (2,200sqm) and associated works.

Applicant: Mr & Mrs J De Castro

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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.

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OFFICER'S REPORT

Site Description:

The property known as 'Mill View' is a 1970's bungalow which has since been subdivided into two dwellings. Mill View is the eastern half and has a small amount of domestic garden to the east, beyond this is a parking area and then a large piece of agricultural land (once covered in glass). The other half of the property is attached to the west and there is open land to the north and south and other dwellings to the east beyond the land. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2023/1381 - Erect 1 1/2 storey extension with balcony at 1st floor level to east (side) elevation – Approved November 2023.

Existing Use(s):

Residential use class 1: dwelling house.
Agricultural use class 28: agriculture.

Brief Description of Development:

This application relates to the change of use of agricultural land to domestic garden (2,200sqm) and associated works.

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

OC5(B) Agriculture Outside of the Centres – outside the Agriculture Priority Areas
GP1 Landscape Character and Open Land
GP15 Creation and Extension of Curtilage

Strategy for Nature

Representations:

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

'Concerning this application, the argument that this land is not a SSSI or an ABI should not be used as reason to dismiss it as having negligible value to biodiversity. It may be that this land has never been formally surveyed by a botanist, as it is a wet meadow and just 50 metres away Loose-flowered Orchids can be found it may be botanically rich. I question if the conifers are Scots Pine, but more likely to be Monterey, the former is native the latter not. I would suggest that the meadow is left to grow and then assessed by an expert, the use of imported seed should be considered by an expert to ensure native species only are used. Advice should be sought as to whether the earthen bank should have hedging planted as many banks are environmentally rich as they are. Lastly, I finish with the observation that Cordyline palms have no place in an area managed with biodiversity in mind.'

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

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

The last of the glass was removed after 2001, and the land has been laid to lawn ever since.

At present just over half of the land is laid to grass with established boundaries, an earthbank between the parking area and mature hedges and trees along the south boundary and an overgrown dry stone granite wall along the north boundary. There is also a hedge just over half way down the field to the east, the land on the other side is laid to much longer grass, also with established boundaries to the north, east and south.

The site is not located within or adjacent to an Area of Biodiversity Importance or an Agriculture Priority Area, 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 provision of a wildflower meadow adjacent to the east boundary and planting more hedge plants and a few trees. Taking into account the size of the area proposed for change of use, and the absence of information in respect of existing ecological value, these proposals were 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 Landscape Design proposal has been submitted, prepared by Environment Guernsey after they had been to survey the site, and the plans have been updated to reflect the proposals set out within that document. The landscape and biodiversity proposals now put forward are considered to address the requirements of the Strategy for Nature. To ensure this is the case it is however recommended that implementation of the proposed scheme is required by condition.

3 - General material considerations set out in the General Provisions Ordinance.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 31/05/2024

