

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 (137sqm) and associated works (site of a Protected Building).

LOCATION: Norton House, Pleinheume Road, Vale.

APPLICANT: Mr & Mrs P C Stahelin

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: 14/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture Ltd - 2366 02.01

Application Ref: FULL/2024/0595

Property Ref: C020780000

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 1 year 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 set out under the heading 2020 Strategy for Nature in the letter from JGA ref: JGA/2366/Norton House/Curtilage/Planning/200324 and as shown on the approved plans shall be fully completed by 31/03/2025. Any hedge 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 - In the interests of visual amenity and biodiversity enhancements.

5. If, during any 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 obtain 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 manage the potential risk of contamination on this former horticultural site.

Expiry Date: This permission will cease to have effect on 14/05/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions.

To reduce the impact on nesting birds, the clearance of any vegetation should be avoided during the main breeding season of March-June (inclusive). If such works during the breeding season are deemed necessary, advice from a suitably qualified ecologist should be sought in the first instance.

It is recommended that you contact La Société Guernesiaisie for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email societe@cwgsy.net .

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/2024/0595
Property Ref: C020780000
Valid date: 08/04/2024
Location: Norton House Pleinheaume Road Vale Guernsey GY6 8NP
Proposal: Change of use of agricultural land to domestic garden (137sqm) and associated works (site of a Protected Building).

Applicant: Mr & Mrs P C Stahelin

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 1 year 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 set out under the heading 2020 Strategy for Nature in the letter from JGA ref: JGA/2366/Norton House/Curtilage/Planning/200324 and as shown on the approved plans shall be fully completed by 31/03/2025. Any hedge 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 - In the interests of visual amenity and biodiversity enhancements.

5. If, during any 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 obtain 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 manage the potential risk of contamination on this former horticultural site.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions.

To reduce the impact on nesting birds, the clearance of any vegetation should be avoided during the main breeding season of March-June (inclusive). If such works during the breeding season are deemed necessary, advice from a suitably qualified ecologist should be sought in the first instance.

It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

OFFICER'S REPORT

Brief Description of the site:

Norton House, Pleinheume Road is a substantial detached two-storey dwelling with gable/gablet features either side of the central front door. A detached, granite outbuilding is situated to the rear/east of the dwelling. A swimming pool is situated adjacent to the north site boundary. Parking is provided to the front and side of the dwelling, adjacent to the south site boundary. The south boundary is marked by an established hedge, with gate serving the agricultural land which falls within the ownership of Norton House.

The application relates to the change of use of agricultural land to domestic garden, the removal of a section of hedge and repositioning of the existing timber field gate as part of the proposed, revised field boundary. A new hawthorn hedge is shown to be planted in order to delineate the extent of the enlarged area of curtilage/garden. The scheme relates to the change of use of an area of field c. 130sqm in size.

The submission is accompanied by supporting information indicating that the area will be used for parking but refers to future plans (subject to approval) for a garage/outbuilding. The application states that there will be a neutral impact on landscape character given the limited visibility of the land from the public highway.

A Strategy for Nature statement has also been provided highlighting the mature landscaped gardens of the existing dwelling and its benefit to wildlife. The existing hedge is described as non-native amenity hedging.

The site falls Outside of the Centres as designated in the Island Development Plan. Norton House is a Protected Building.

Relevant History:

The curtilage for this property was defined by the Planning Service in 2023.

Existing Use(s):

01 dwellinghouse
28 agriculture

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

x
x
x

visual amenity acceptable
no material neighbour impact
traffic not affected

x
x
x

Policies considered most relevant:

Island Development Plan policies:

OC5(B): Agriculture Outside of the Centres – Outside the Agriculture Priority Areas
GP1: Landscape Character and Open Land
GP15: Creation and Extension of Curtilage
GP5: Protected Buildings (setting)

Strategy for Nature SPG

Consultation:

Office of Environmental Health and Pollution Regulation - By interrogating the States' Digimap system and records, I have established that both heated and cold glasshouses were historically located on the agricultural land that forms part of this site. Whilst it is recognised that all glasshouses were removed many years ago, due to the past presence of heated glasshouses, there is a risk of land contamination and I am concerned that metals, hydrocarbons and pesticides (as well as other sources of contamination) could be present. A planning condition is therefore recommended.

Conclusion/Brief comment:

The IDP sets out that there is support for the loss of an existing farmstead, agricultural building or land where the new use accords other relevant planning policies in the Island Development Plan. This provides a policy gateway for the change of use proposed.

The area of land is well associated with the existing dwelling, Norton House and is not located within an Agriculture Priority Area nor being situated within an Area of Biodiversity Importance. The site boundaries are clearly defined. The surrounding land is in separate ownership to Norton House and the agricultural land that is the subject of this application. The application does require a section of established boundary hedge to be removed in connection with the change of use of the land however, this is indicated as being replaced with native hedgerow. The land is situated adjacent to Pleinheume Road but is screened by an existing hedgerow that forms the boundary with the neighbouring dwelling, Trillium.

The Island Development Plan recognises there is a balance between protecting open and agricultural land and other legitimate uses Outside of the Centres. The designation of the Agriculture Priority Area represents the Island's most valuable agricultural area. In this instance, given that the land is outside of the Agriculture Priority Area, the balance would not be towards protecting this land for agricultural purposes.

With regard to the impact on neighbouring properties, the proposal involves a change of use of an area of land to be included and managed as part of the residential curtilage. The scheme makes reference to the area being used for parking but does not reference any new hardstanding associated with this. Falling within the curtilage of a Protected Building however, any such hardstanding would require planning permission in its own right. Given location of the land in relation to neighbouring residential properties and that adequate boundary screening separates the land from the neighbouring properties, the proposed change of use would not of itself have an adverse impact on or affect their amenities.

It is considered that the change of use would accord with Policy GP15 a)- e) and provided that the proposal accords with all other relevant policies of the IDP, the

principle of change of use to domestic curtilage is considered to be acceptable in this particular location.

Given the wider, established site boundaries, position of the land in relation to public view points and limited size of land that is the subject of this application, the proposal would not undermine the wider landscape character or the openness of the area in accordance with Policy GP1.

In line with the States' Strategy for Nature, 2020 which has been adopted as Supplementary Planning Guidance, the Development and Planning Authority has directed that from 01 September 2021 all applications involving the change of use of agricultural land to domestic garden must be accompanied by information demonstrating environmental benefits in respect of biodiversity that will be incorporated should planning permission be granted. The application proposal indicates the planting of a replacement hedge around the proposed area of domestic garden, separating it from the retained agricultural land and this is considered proportionate to the area of domestic garden proposed. The provision of the replacement hedge planting can be controlled by condition, and an informative note relating to the timing of removing the existing hedge, can be added to the decision notice. The submission sets out that the new hedge will be formed of Hawthorn (2.5 plants/metre, 40-60cm bare root whips with temporary mesh fencing to protect against rabbits).

In this case, the proposals must also satisfy the terms of Policy GP5 of the Plan, and meet the statutory duties with regard to conservation areas and protected buildings set out within Sections 34 and 35 of the Law. The proposed change of use of land and relocation of a field access/gate would not have a detrimental impact on the setting of the Protected Building.

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.

In view of the above it is recommended that planning permission is granted for the change of use of land proposed.

Recommendation:

Grant with Conditions



Date: 13/05/2024

