

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 (590sqm) and create agricultural gated vehicle access to north boundary (Protected Building).

LOCATION: Le Vaugrat Farm, Route De Vaugrat, St. Sampson.

APPLICANT: Ms L Brouard

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: 28/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block layout plan, aerial photo at 1:500 scale, block plan of farm access, plan of side view of gate opening, photographs labelled new gateway opening and position of new gate, details of metal field gate and applicant's letter (dated stamped 11/04/2024).

Application Ref: FULL/2024/0609

Property Ref: B019480000

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 six months of the date of this permission, details of the design and height of the post and rail fence to be used to create the hereby approved agricultural access and to be used along the south-east boundary of the extended domestic land shall be submitted to and agreed in writing by the Authority. The fence shall then be constructed in accordance with the approved details.

Reason - In the interests of visual amenity.

5.Prior to 31/12/2024, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting including a plan detailing their location; and
- ii) planting schedules, noting the species, sizes at the time of planting, numbers and densities of plants.

Reason - In the interests of visual amenity and biodiversity.

6.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 5, in the first planting season following the grant of this decision or by the 31/03/2025. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and biodiversity.

7. The hereby approved agricultural access shall be created prior to 31/03/2025 and the ends of the opening shall be finished off using materials and a method of construction which match the remainder of the roadside boundary within four weeks of the new access being first brought into use.

Reason - To ensure that an independent access to the agricultural land is retained and in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 28/05/2027 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/2024/0609
Property Ref: B019480000
Valid date: 11/04/2024
Location: Le Vaugrat Farm Route De Vaugrat St. Sampson Guernsey
GY2 4TA
Proposal: Change of use of agricultural land to domestic garden
(590sqm) and create agricultural gated vehicle access to north
boundary (Protected Building).
Applicant: Ms L Brouard

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.

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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.

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OFFICER'S REPORT

Site Description:

The site comprises of a historic farmstead with a two storey Georgian-style house with formal façade and numerous traditional-style farm buildings dating to c.1800 and set around a paved yard. The whole of the house and outbuildings, together with the pig sties, paved yard and walls are a protected building. The northernmost outbuilding is excluded from the listing.

The dwelling and outbuildings are bounded to the north-east, east and south by agricultural land which is under the same ownership, with Route de Vaugrat wrapping around the site to the south-west, west and north. The site is located Outside of the Centres.

Relevant History:

18/03/2024 – PREA/2024/0400 – Pre-application advice regarding extend domestic curtilage.

29/02/2024 – FULL/2024/0156 – Permission granted to install hard surfacing for temporary period to north-east of property (Protected Building).

Existing Use(s):

Agricultural Use Class 28
Residential Use Class 1: dwelling house

Brief Description of Development:

Planning permission is requested for the change of use of a parcel of agricultural land measuring approximately 590sqm to domestic land associated with the dwelling Le Vaugrat Farm and to create an agricultural access to the north boundary.

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

Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas
Policy GP1: Landscape Character and Open Land
Policy GP5: Protected Buildings
Policy GP8: Design
Policy GP15: Creation and Extension of Curtilage

Representations:

One representation was received on behalf of La Société Guernesiaise, main points as follows:

- La Société Guernesiaise raise concerns about the reclassification of agricultural land to domestic land but as this is permitted under the Island Development Plan they seek to optimize ecological gains.
- Whilst the application includes some biodiversity measures, which are welcomed, it proposes the planting of a number of non-native and amenity species. These could be replaced by similar native species to guarantee a net ecological gain. For example, Turkey Oak has negligible wildlife value (when planted locally) compared to English Oak which supports the largest range of associated wildlife of all British tree species.

- La Société Guernesiaise advise that they would be able to assist with matters relating to biodiversity measures, for example to arrange surveys of the existing site and to provide suitable recommendations on how the land could be enhanced in terms of its ecological value by appropriate native planting and ongoing maintenance.

Consultations:

None

Summary of Issues:

The main issue in deciding this application is the impact on the landscape character and openness of the area.

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).**

The proposal to extend the domestic curtilage falls to be considered principally under Policies GP15 and GP1 of the Island Development Plan.

The site is not within an Area of Biodiversity Importance or an Agriculture Priority Area and the proposed change of use would not of itself have an adverse impact on or affect the amenities of neighbouring residents.

A section of the south-east boundary adjacent to the house is proposed to be removed and replaced. It is advised that this boundary was previously formed of a post and rail fence, which has since been removed, with intermittent shrubs and hedging remaining. Due to its nature and composition, the existing (including the former post and rail fence) boundary does not constitute an established boundary feature that contributes positively to the character of the area, and the proposed replacement hedge and post and rail fence is likely to make an equal contribution to the character of the area.

The agricultural land to the south-east and east of the existing domestic curtilage forms part of a wider area of open and undeveloped land which extends to the east and north-east and it enables medium to long distant public views from Route de Vaugrat across the land towards the north and north-east. Permission is sought to change the use of a small sliver of land along the south-east boundary adjacent to the dwelling and extending an additional 1.3m further than the existing domestic boundary. By virtue of its close proximity to and relationship with the existing dwelling, the lack of an established boundary and the modest area of land involved,

the proposed change of use of the sliver of land to the south-east boundary is unlikely to have an unacceptable detrimental impact on the landscape character of the area.

With regards to the proposed change of use of the land to the north-east of the existing domestic curtilage, the high wall along its eastern boundary visually separates this parcel of land from the wider area of open land to the east. Together with the siting of the existing outbuilding to the north of this land and its relationship with the existing built form to the south, the change of use of the land to the north-east of the existing domestic curtilage is unlikely to have a significant detrimental impact on the landscape character of the area and would have no adverse effects on the setting of the protected building, in accordance with Policies GP1, GP5 and GP15.

The change of use of the land to the north-east will in effect result in the loss of an existing independent access to the agricultural land to the east. To address this it is proposed to create a new agricultural access in the north-east corner of the site. The siting of the access aims to avoid the loss of sections of the roadside wall that are protected and to maximise sightlines. The creation of a 4m wide opening within the roadside boundary to create an independent access to the agricultural land is unlikely to have any significant adverse effects on the character and appearance of the area. The field gate is proposed to be set back from the highway and the precise details of the design and height of the post and rail fence to enclose this area requires further clarification. In particular, it is recommended that the fencing does not exceed 1.2 metres in height. The precise details of the post and rail fence can be dealt with by condition.

Whilst some of the planting proposed is non-native, the planting of a beech hedge and 2 blackthorn plants along the south-east boundary and the creation of a 3m wide belt of the planting proposed for approximately 20m along the north-west roadside boundary would provide proportionate biodiversity enhancements, taking into account the area of land involved. Precise planting details, including the size of plants at the time of planting, can be requested by condition and it is recommended that further consideration is given to replacing proposed non-native plants with similar native species, as set out in the response from La Société Guernesiaise. To ensure that appropriate biodiversity enhancements are achieved in a timely manner, it is recommended that the proposed landscaping scheme is completed by the end of the next planting season, i.e. by 31/03/2025.

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.

It is recommended that the application is approved.

Date: 28/05/2024

