

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 (1,100sqm).

LOCATION: Otterbourne, Route Du Planel, Torteval.

APPLICANT: Miss S Jackson

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: 02/09/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/06/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan, Block Layout Plan, Applicant letters (x2)

Application Ref: FULL/2024/0876

Property Ref: G002130000

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

- i) details of the proposed planting and on-going management regime for the pollinator patch;
- ii) details of the on-going management regime for the wildflower area;
- iii) details of the siting and extent of the new hedgerow along the south boundary of the extended domestic land; and
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To ensure that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

4. The landscaping scheme shall be fully completed, in accordance with the details set out on the hereby approved block layout plan and within the applicants letter and as updated by the details agreed under the terms of the above condition, in the first planting season following the date of this decision, 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 that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

Expiry Date: This permission will cease to have effect on 02/09/2027 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/2024/0876
Property Ref: G002130000
Valid date: 03/06/2024
Location: Otterbourne Route Du Planel Torteval Guernsey GY8 0LX
Proposal: Change of use of agricultural land to domestic garden (1,100sqm).

Applicant: Miss S Jackson

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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- i) details of the proposed planting and on-going management regime for the pollinator patch;
- ii) details of the on-going management regime for the wildflower area;
- iii) details of the siting and extent of the new hedgerow along the south boundary of the extended domestic land; and
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Reason - To ensure that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

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Reason - To ensure that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested for the change of use of an area of agricultural land measuring 1,100 sqm to a domestic garden in association with the dwelling Otterbourne.

The property known as Otterbourne comprises of a detached dwelling fronting onto Rue du Planel to the north, agricultural style buildings which are used for equestrian purposes, a sand school, a glasshouse and agricultural fields. The total site area is approximately 2.3 acres (9,380sqm). The site is bounded to the north by Rue du Planel, to the east by residential properties and agricultural land, to the south by Route de Pleinmont and to the west by a commercial property and residential properties. The site is located Outside of the Centres.

Relevant History:

29/09/2022 – FULL/2022/1284 – Permission granted to erect covered horse walker.

08/07/2020 – FULL/2020/0763 – Permission granted to demolish conservatory and erect single storey flat roof extension to south (rear) elevation and alteration to fenestration.

18/01/2017 – FULL/2016/2685 – Permission granted to extend existing sand school to the east and erect an outbuilding for storage.

Existing Use(s):

Agriculture use class 28

Residential use class 1: dwelling house

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:

Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

Policy OC7: Redundant Glasshouse Sites Outside of the Centres

Policy OC9: Leisure and Recreation Outside of the Centres

Policy GP1: Landscape Character and Open Land

Policy GP15: Creation and Extension of Curtilage

Conclusion/Brief comment:

The proposal to extend the domestic curtilage falls to be considered principally under Policies GP15 and GP1 of the Island Development Plan. In addition, the site contains a glasshouse which is no longer required for commercial horticulture and is therefore considered to be a redundant glasshouse. The glasshouse is proposed to be retained for growing for the occupiers own personal consumption and Policies OC7 and OC9 would therefore also be relevant.

The site is not within an Area of Biodiversity Importance or an Agriculture Priority Area, no existing boundary features are proposed to be removed and the proposed change of use would not of itself have an adverse impact on or affect the amenities of neighbouring residents.

The land the subject of this application is visible from Rue Du Planel to north at the entrances to the site and where there are gaps in planting along the roadside earth bank. Due to the pattern and character of surrounding development, including residential properties and substantial commercial/agricultural style buildings bordering the land the subject of this application, the land does not form part of a wider area of open and undeveloped land and it appears well related to the existing dwelling. A hedge is proposed along the south boundary of the extended domestic land to separate it from the remaining agricultural land, precise details of its extent and siting can be requested by condition. As a result, the proposed change of use of the land is unlikely to have a significant adverse effect on the landscape character of the area, in accordance with Policies GP15, GP1 and OC7.

Policy OC7 however requires the demolition of all glasshouses and ancillary structures which are not capable of being used for a use in accordance with the relevant policies of the Island Development Plan. In this case, the applicant wishes to retain the glasshouse which is still actively used for growing, albeit on a domestic scale rather than for commercial horticultural purposes. This non-commercial growing is a type of informal leisure and recreation activity (such as allotments) and falls to be assessed against Policy OC9. The glasshouse appears to be generally in a good condition and due to its siting centrally within the site and together with well-established planting on the site, the glasshouse does not form an overly prominent feature from public viewpoints which mitigates its visual impact on the character of the locality. Whilst larger in size than typical domestic glasshouses, it could be argued to be proportionate to the nature and scale of the growing proposed and the retention of the glasshouse to facilitate the on-going (non-commercial) growing accords with Policies OC9 and OC7.

The planting of a native hedging along the south boundary, together with the creation of a 100sqm pollinator patch, a 45sqm area of wildflowers and the retention of existing trees could provide proportionate biodiversity enhancements. However, precise details of the management of the pollinator patch and wildflower areas and the extent of the hedge along the south boundary are required to ensure that appropriate biodiversity enhancements are achieved, this can be requested by condition. 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.

Recommendation:

Grant with Conditions



Date: 02/09/2024

