

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 (842sqm) and erect outbuilding/glasshouse and hard-surface area to south boundary.

LOCATION: La Perelle, Route De La Marette, St. Saviour.

APPLICANT: Mr D & Mrs C De La Mare

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: 23/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/06/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects - Outbuilding/Glasshouse: 1212_2, _3, _4, _5, _6, _7A & _8A (all date stamped received 20/05/24).

Application Ref: FULL/2024/0934

Property Ref: E005570000

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.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no gate, fence, wall or other means of enclosure (other than earth banks) shall be erected, constructed or placed along the north boundary of the domestic garden hereby approved.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

5.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no shed, other outbuilding or greenhouse shall be erected, constructed or placed on any part of the domestic garden hereby approved.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

6.Prior to the commencement of any work on the construction of the outbuilding/glasshouse hereby approved the existing glasshouse shall be removed from the site.

Reason - Permission for the change of use of agricultural land to domestic garden requires the clearance of existing glasshouse structures in order to comply with Policy

OC7 of the Island Development Plan.

Expiry Date: This permission will cease to have effect on 23/07/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed outbuilding to be used only for purposes incidental to the enjoyment of the dwelling house.

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/2024/0934
Property Ref: E005570000
Valid date: 04/06/2024
Location: La Perelle Route De La Marette St. Saviour Guernsey GY7 9XB
Proposal: Change of Use of agricultural land to domestic garden (842sqm) and erect outbuilding/glasshouse and hard-surface area to south boundary.

Applicant: Mr D & Mrs C De La Mare

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. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no gate, fence, wall or other means of enclosure (other than earth banks) shall be erected, constructed or placed along the north boundary of the domestic garden hereby approved.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

5. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no shed, other outbuilding or greenhouse shall be erected, constructed or placed on any part of the domestic garden hereby approved.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

6. Prior to the commencement of any work on the construction of the outbuilding/glasshouse hereby approved the existing glasshouse shall be removed from the site.

Reason - Permission for the change of use of agricultural land to domestic garden requires the clearance of existing glasshouse structures in order to comply with Policy OC7 of the Island Development Plan.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed outbuilding to be used only for purposes incidental to the enjoyment of the dwelling house.

OFFICER'S REPORT

Site Description:

La Perelle is a detached one and a half-storey dwelling situated to the west of Route De La Marette. A glasshouse, containing household domestic storage, is situated to the immediate rear of the dwelling and a timber fence is situated to the west of the glasshouse. A bank exists to the west of the site and steps provide access to the beach.

The extent of existing domestic garden has been identified as being the house, driveway to the north and extending west to the front of the glasshouse.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2023/0355 - Demolish dwelling and erect replacement dwelling – granted 31/03/2023

FULL/2022/1840 - Change of use of agricultural land to domestic garden (842sqm). Erect retaining gabions to west of site – granted 07/12/2022

PAPP/1999/4029 - Erect a glasshouse for commercial bulb growing (Residential Use Class 5) – permission granted

Historically, a large glasshouse ran the length of the south site boundary, before the dwelling was constructed between 1963 and 1979, following which a smaller glasshouse was retained along the south boundary. By 1996 concrete pathways between planting beds had been laid to the north of the glasshouse. By 2009 the western end of the glasshouse had been removed (halving its size) with the concrete footings/paths retained on site and the situation has remained unchanged since that time.

Existing Use(s):

- 01 Dwelling houses
- 28 Agriculture

Brief Description of Development:

The application relates to the change of use of agricultural land to domestic garden and the erection of a detached outbuilding designed with a flat roof and render and timber cladding with lean-to glasshouse attached. The domestic outbuilding is identified as serving as a study/yoga studio. An element of storage is incorporated into the design along with a sauna. The building is shown to be situated in the southwest corner of the approved domestic garden with an area of decking to the north of the proposed studio/study. The hardstanding would be more than 30m from the existing dwelling and does not represent exempt works but would be exempt if the approved replacement dwelling was substantially complete.

Although permission was previously granted for the change of use of agricultural land to domestic garden the enabling works, the removal of the glasshouse, was not implemented therefore the Planning Service does not recognise the land on which this proposed outbuilding would sit as domestic garden. It was for this reason that

the change of use of land has been incorporated into this application, without change to the previously approved land area or landscaping/biodiversity proposals.

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

Island Development Plan policies:

OC5(B): Agriculture outside the centres – Outside the Agriculture Priority Areas

OC7: Redundant Glasshouse Sites Outside of the Centres

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

GP15: Creation and Extension of Curtilage

Representations:

One letter of representation has been submitted commenting and expressing concerns regarding the display of the site notice for this application.

Paroisse de Saint Sauveur – commented on the previous change of use application. The entire site and all of the surrounding land is not located within an Agriculture Priority Area however when Douzaine representatives met with the department in the spring of 2019 they were informed that:

Should owners of agricultural land which adjoin their properties choose to mow, plant shrubs and trees and effectively use it as their garden amenity, then Planning has no powers to stop them from doing so

Therefore the Douzaine sees no reason why this land should be rezoned as domestic curtilage and ask that the zoning remains as it is currently. If it is rezoned then it is requested that appropriate restrictions are put in place to limit the extent of development on this land for the duration of the IDP.

National Trust of Guernsey – commented on the previous change of use application. Register concern over the proposed change of use. The proposal seeks to change the use of a viable, accessible piece of agricultural land to domestic curtilage. The area appears to be nearly three to four times larger than the existing domestic curtilage. The intention of the policy in the IDP was to facilitate the ‘tidying up’ of redundant glasshouse land and isolated agricultural holdings that did not form viable entities and could not be amalgamated or linked with other holdings to make them so. The current pattern appears to be the general parcelling up of agricultural land for the expansion of gentrified domestic gardens, which is leading to the erosion of the stock of viable agricultural land, contrary to the intentions of the IDP and SLUP.

Consultations:

Biodiversity Officer – commented on the previous change of use application. The current proposal does not relate to the installation of defences, which can be lawfully constructed (following the change of use of land) under the terms of the previous permission).

The existing habitats at the site are predominantly amenity grassland and are not of conservation importance. The shingle, which would be on the seaward side of the proposed gabions, appears to be unvegetated and so is not likely to be of conservation importance either, however it does have the potential to support species of conservation importance, such as the scaly cricket (*Pseudomogoplistes vicentae*). The site is not near an SSS or Ramsar site, nor do I believe there to be any route by which the development could cause impacts to any sites in the vicinity (e.g. Lihou Island Ramsar Site). Therefore, I am of the opinion that it is not likely to cause a significant environmental impact in the short term.

With regards to a commitment to Biodiversity Net Gain details relating to the frequency and timings of cuts/limited mowing would be necessary to ensure that the proposed grassland would be enhanced for biodiversity.

Summary of Issues:

The key issues in this case relate to the principle of the change of use proposed and the impact of the change of use and proposed built development on the character of the area and on residential amenity.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

Change of use of land

The principle of the change of use of agricultural land/redundant glasshouse site to domestic garden has previously been fully assessed under application reference FULL/2022/1840. As outlined elsewhere in this report, the change of use of land has been reapplied for in order to facilitate the erection of the proposed domestic outbuilding and to bring the change of use of land and removal of the glasshouse into line with the anticipated timeframe for the redevelopment as a whole.

There have been no changes in the policies against which an application for the change of use of agricultural land to domestic garden would be assessed and it remains the case that the scheme accords with Policy OC7, OC5(B), GP1 and GP15 of the Island Development Plan.

It remains appropriate to consider the removal of exemption rights. The removal of exemption rights regarding sheds, outbuildings and greenhouses and high walls/boundary features would be applicable, given the contribution the site makes to an area of open land. Although the application itself relates to an outbuilding and a greenhouse it is reasonable to retain the condition as originally worded to address future changes to exemption rights or the construction of a replacement outbuilding or greenhouse should those approved be constructed and subsequently demolished at some later date.

The proposed biodiversity planting remains unchanged from the previously approved scheme and the detailed landscaping scheme was approved by the Authority via planning condition. The application submission confirms that the planting has been carried out and so it would be unreasonable for a further landscaping condition to be required. It remains the case that the scheme satisfactorily addresses the Strategy for Nature Supplementary Planning Guidance.

The change of use of agricultural land to domestic garden will only be recognised by the Planning Service following the clearance of the existing glasshouse from the site in compliance with Policy OC7.

Outbuilding

In view of the above there is scope to consider the erection of a domestic outbuilding/glasshouse.

The proposed outbuilding would sit within the area of the approved domestic garden, it is noted however, that there is currently a breach of the permission relating to the change of use of land in relation to the removal of the glasshouse. The planting associated with the change of use of land is not required until after the removal of the glasshouse. These matters cannot impact on the assessment and determination of the current application but can be investigated separately.

The proposed domestic outbuilding represents a good standard of design that respects the design and appearance of the approved dwelling and character of the built environment. The topography of the site and surrounding area is such that the building will not be highly publicly visible and nor will its design, scale, mass and form result in harm to the open landscape.

The building will not result in overshadowing or overlooking to the occupiers of any adjoining dwellings and will provide occupiers of the dwelling with more flexible and adaptable accommodation.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

Other matters

Although the site notice was situated low to the ground and in an existing hedge it nonetheless accords with Land Planning and Development (General Provisions) Ordinance which sets out that a site notice must be fixed firmly to some object on or near the land to which the application relates and displayed in a way and in a position that is visible and legible from a place to which the public have access.

As outlined elsewhere, the gabion features were assessed as part of the previous change of use of land application (which remains extant until December 2025). These have not been incorporated into or reassessed as part of this current application proposal. Their construction could be undertaken provided both the change of use of land has been implemented and construction on the gabions has commenced before application reference FULL/2022/1840 has expired.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 22/07/2024

