

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: Erect shed to west boundary (retrospective) and change of use of agricultural land to domestic garden (460 sq.m.).

LOCATION: La Cachette, Ruelle Rabey, St. Martin.

APPLICANT: Mrs T Guille

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: 24/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/06/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan and photo of shed in situ (dated 14/06/24) and accompanying letter (biodiversity statement) dated 26th June 2024.

Application Ref: FULL/2024/1062

Property Ref: J012650000

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.Prior to the 31st December 2024 a landscaping plan/scheme showing the details set out the biodiversity scheme (dated 26/06/2024), including the specific siting/areas of planting and noting the sizes, numbers and densities of plants set out in the approved biodiversity scheme shall be submitted to and agreed in writing by the Authority.

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

5.Prior to the 31st December 2024 a landscaping plan/scheme showing the details set out the biodiversity scheme (dated 26/06/2024), including the specific siting/areas of planting and noting the sizes, numbers and densities of plants set out in the approved biodiversity scheme shall be submitted to and agreed in writing by the Authority.

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 24/07/2027 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/2024/1062
Property Ref: J012650000
Valid date: 27/06/2024
Location: La Cachette Ruelle Rabey St. Martin Guernsey GY4 6DU
Proposal: Erect shed to west boundary (retrospective) and change of use of agricultural land to domestic garden (460 sq.m.).

Applicant: Mrs T Guille

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. Prior to the 31st December 2024 a landscaping plan/scheme showing the details set out the biodiversity scheme (dated 26/06/2024), including the specific siting/areas

of planting and noting the sizes, numbers and densities of plants set out in the approved biodiversity scheme shall be submitted to and agreed in writing by the Authority.

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

5. Prior to the 31st December 2024 a landscaping plan/scheme showing the details set out the biodiversity scheme (dated 26/06/2024), including the specific siting/areas of planting and noting the sizes, numbers and densities of plants set out in the approved biodiversity scheme shall be submitted to and agreed in writing by the Authority.

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:

The property known as 'La Cachette' is a mid-20th century one and a half storey dwelling, which has been extended at the rear in the mid-noughties. The property is set back from and faces southwest onto Ruelle Rabey, there are other detached neighbours to the southeast and the rear gardens of other neighbours to the north, northwest and west, beyond the field subject of this application. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2024/1063 – Erect replacement shed/summerhouse to north boundary (retrospective) – Approved July 2024.

Existing Use(s):

Residential use class 1: dwelling house.

Agricultural use class 28: agriculture.

Assessment: *(Tick as appropriate)*

no representation

X

accords with policy

X

within curtilage

X

design acceptable

X

visual amenity acceptable

X

no material neighbour impact

X

traffic not affected

X

Policies considered most relevant:

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

GP1: Landscape Character and Open Land

GP8: Design

GP13: Householder Development

GP15: Creation and Extension of Curtilage

Conclusion/Brief comment:

This application for the change the use of the land from agricultural to domestic garden (460sqm) and to retrospectively erect a shed to the west boundary. The property has a rear garden to the north of the dwelling and the agricultural land to the west is the land subject of this application. The property already has a shed and summerhouse in the existing rear garden.

The change of use will not have any unacceptable impacts on the landscape character and is not situated within the Agriculture Priority Area or Area of Biodiversity Importance. The land surrounded to the north, east and west by residential development and is separated from other open and undeveloped agricultural land by Ruelle Rabey in terms of its likely contribution towards commercial agriculture. There is also currently no direct access to the land other than via the domestic driveway, and a new access from the road would require permission may result in adverse environmental impacts in relation to the removal of a hedge. As proposed, there will be no changes to the boundaries of the land and the change of use of land will not have an adverse impact on residential amenity.

In accordance with the 'Strategy for Nature, 2020' supplementary planning guidance, the applicants have submitted a biodiversity statement which outlines the existing flora and fauna and what and how they will improve upon it. As the land is not a particularly large area, the content of the biodiversity statement is considered to be enough to warrant an approval.

Given the established site boundaries the proposal would not undermine the wider landscape character or the openness of the area in accordance with Policy GP1.

The change of use of agricultural land to domestic garden is therefore acceptable and there is scope to consider the erection of a domestic shed with regard to householder policy GP13. The location of the shed is in the northwest corner of the

land, it cannot be seen from any public vantage points and it does not cause any impacts on the character and appearance of the surrounding area nor on residential amenity.

In this instance, the proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 24/07/2024

