

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 (1,290sqm).

LOCATION: Le Vauquiedor Manor, Le Vauquiedor, St. Martin.

APPLICANT: Mr B Carroll

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: 23/10/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/07/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Bhp - G4764-02-01A

Application Ref: FULL/2024/1193

Property Ref: J00574A000+J005750000 + J00575A000

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 2025, a hedge planting scheme to include a planting schedule noting the species, sizes, numbers and densities of plants 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. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition and as shown on the approved plan, in the first planting season following the date of this decision, by 31st March 2026. 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 - 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 23/10/2027 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/2024/1193
Property Ref: J00574A000+J005750000 + J00575A000
Valid date: 31/07/2024
Location: Le Vauquiedor Manor Le Vauquiedor St. Martin Guernsey
GY4 6UY
Proposal: Change of use of agricultural land to domestic garden
(1,290sqm).

Applicant: Mr B Carroll

RECOMMENDATION - Grant: Planning Permission with Conditions:

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OFFICER'S REPORT

Brief Description of the site:

The Manor is a large house in substantial grounds fronting Le Vauquiedor. There is open land to the east of the house and the hospital complex to the south and west. There is a terrace of dwellings immediately to the west on the road frontage. The south boundary of the application site is marked by a high granite wall whilst the west/roadside boundary is marked by a post and rail fence. The boundary to the terrace of houses/parking area is open, marked by a fence. The land is often used as grazing for small ponies.

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

Relevant History:

None relevant.

Existing Use(s):

28 agriculture

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:

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

Representation:

One letter of representation has been submitted objecting to the application and raising the following points:

- Access to the field is via an adjoining property where explicit access rights apply (not general and unrestricted access)
- Concerns exist that the change of use will result in more frequent use by vehicles beyond the permitted access rights
- Planting of trees on the land in connection with the change of use of land could erode natural light to adjoining properties
- The construction of structures could have a detrimental on residential amenity

Consultation:

Agriculture, Countryside and Land Management Services – welcome the inclusion of measures to enhance biodiversity at the site and the consideration of the mature trees as important ecological features. The grassland at the site does not appear to have been ploughed or rotovated since 1990 (based on aerial photography) and so has the potential to support high levels of biodiversity. Should this application be considered for approval, we would welcome further details of ongoing management to ensure that the ecological value of the grassland is not reduced.

Permanent grasslands are amongst Guernsey's scarcest habitats and considered features of ecological importance. Therefore, degradation (e.g., through applications of fertilisers, herbicides or reseeding) of a such a grassland (especially if it supports high species diversity) has the potential to result in a net loss of biodiversity, despite the enhancements proposed.

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 reasonably well associated with the existing dwelling, being situated to the east of the large house. The land is not located within an Agriculture Priority Area nor Area of Biodiversity Importance.

The boundaries of the site are clearly defined and the west boundary abuts the verge, public footway and Rue Mignot. The surrounding land is in separate ownership to Vauquidor Manor and the agricultural land that is the subject of this application. The application does not require any established boundary features to be removed in connection with the change of use of the land.

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 and given the location of the land in relation to neighbouring residential 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 established site boundaries (walls/fencing) the proposal would not undermine the wider landscape character or the openness of the area in accordance with Policy GP1.

It is noted that concerns have been raised through the consultation process regarding new domestic structures. As domestic garden normal householder exemption rights would apply however, the land sits forward of an elevation of the dwellinghouse that faces a highway, and there are numerous existing outbuildings on site, therefore it is not considered necessary to remove householder exemption rights in this case because such works would amount to development requiring planning permission.

The submission incorporates proposals for the planting of a mixed species hedge and a mixture of bird boxes along with a raptor box on the site which are considered to represent a proportionate enhancement of biodiversity. The comments from ACLMS regarding the value of the existing land is also noted however, no other changes are proposed to the land and the new biodiversity measures are at the periphery thereby limiting its effect on the larger area of land which is recognised as permanent grassland. The planting proposed to satisfy the Strategy for Nature SPG are a considerable distance from residential neighbours and will not result in harm to residential amenity.

The comments received regarding rights of access cannot influence the assessment and determination of a planning application. This would ultimately be a private civil matter to be resolved between land owners. In addition, the planting of trees and other plants does not represent development for which planning permission is required. Such planting/land management could be undertaken at any time and on agricultural land. The comments referring to planting proposed in connection with the change of use of land and biodiversity proposals has been considered elsewhere in this report.

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 permission is granted.

Recommendation:

Grant with Conditions



Date: 21/10/2024

