

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: Variation to plans previously approved for change of use of agricultural land to domestic garden (1,610 sqm), extend earth bank to north east boundary, erect roadside wall and alter vehicle access to south-east boundary - Create gated access to north boundary and alterations to landscaping scheme.

LOCATION: Acrefield Cottage, Route Du Camp Du Roi, St. Sampson.

APPLICANT: Aladdin Holdings Ltd

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: 29/08/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 17-962 WD/01B & 09A

Application Ref: FULL/2024/1289

Property Ref: B014720000

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 on or before 06/07/2026

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. a) The landscaping scheme hereby approved shall be fully completed, in accordance with the details agreed prior to the first occupation of replacement dwelling on the site, or in accordance with a programme previously agreed in writing by the Authority.
b) 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 - The biodiversity enhancements are necessary in order for a scheme for the change of use of agricultural land to domestic garden to address the requirements of the Strategy for Nature SPG. Enhancements to biodiversity must be provided in a timely manner, and prior to the occupation of the approved replacement dwelling because this dwelling falls outside the original domestic garden/curtilage for the site and its construction without securing the necessary landscaping scheme would otherwise encroach onto open and undeveloped agricultural land.

5. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 07/07/2024, issued under planning application reference FULL/2023/0975, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

Expiry Date: This permission will cease to have effect on 06/07/2026 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/2024/1289
Property Ref: B014720000
Valid date: 01/08/2024
Location: Acrefield Cottage Route Du Camp Du Roi St. Sampson
Guernsey GY2 4XE
Proposal: Variation to plans previously approved for change of use of agricultural land to domestic garden (1,610 sqm), extend earth bank to north east boundary, erect roadside wall and alter vehicle access to south-east boundary - Create gated access to north boundary and alterations to landscaping scheme.

Applicant: Aladdin Holdings Ltd

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 on or before 06/07/2026

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. a) The landscaping scheme hereby approved shall be fully completed, in accordance with the details agreed prior to the first occupation of replacement dwelling on the site, or in accordance with a programme previously agreed in writing by the Authority.

b) 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 - The biodiversity enhancements are necessary in order for a scheme for the change of use of agricultural land to domestic garden to address the requirements of the Strategy for Nature SPG. Enhancements to biodiversity must be provided in a timely manner, and prior to the occupation of the approved replacement dwelling because this dwelling falls outside the original domestic garden/curtilage for the site and its construction without securing the necessary landscaping scheme would otherwise encroach onto open and undeveloped agricultural land.

5. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 07/07/2024, issued under planning application reference FULL/2023/0975, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

OFFICER'S REPORT

Brief Description of the site:

Acrefield Cottage, Camp du Roi was a detached cottage with rough render exterior and pitched roof. Following the grant of planning permission however, the existing cottage has been demolished and work is underway to construct a replacement dwelling on the site with the vehicular access to the front of the site having been widened. The front site boundary is otherwise marked by a low wall and the boundary with the two-storey dwelling Acre Field to the south west is marked by a rendered wall. The boundary to the field to the north east of the site is marked by a hedge. A two-storey dwelling, known as Holmdene, exists opposite Acrefield Cottage, set back from the road.

Work has commenced on site in relation to the formation of some roadside banks associated with the approved change of use of agricultural land to domestic garden (see history below).

The property is flanked to the south by a two storey dwelling known as “Acre Field”, with another two-storey dwelling, “Holmdene”, positioned on the opposite side of the road.

The site is located Outside of the Centres and the property is a pre-1900 building.

Relevant History:

FULL/2017/2021 - Demolish lean-to extensions to side and rear of dwelling and porch and outbuilding to rear of dwelling. Raise ridge height of cottage and install dormers to front and rear roof slopes. Erect single-storey flat roof extension to rear of dwelling and mono-pitched roof extension to side of dwelling. Install insulating render – granted

FULL/2018/0221 – Extend domestic curtilage, remove hedge and earth bank and construct 0.9m high granite wall to roadside/south-east boundary and 1.2m high wall to side/north-east boundary – granted

FULL/2018/1889 – Demolish existing dwelling and outbuilding and erect new dwelling, create new vehicular access and parking area, remove hedges, erect new fencing and demolish wall and erect new wall and earthbank – granted

FULL/2023/0975 - Change of use of agricultural land to domestic garden (1610 sq.m.), extend earth bank to north-east boundary, erect roadside wall and alter vehicle access to south-east boundary – granted. Landscaping scheme to be implemented by 31/03/2024.

FULL/2023/1329 – Demolish existing dwelling and outbuildings and erect replacement dwelling with associated works – granted

FULL/2024/1053 - Variation to previously approved plans to demolish existing dwelling and outbuildings and erect replacement dwelling with associated works - increase floor area to north-west elevation, alterations to fenestrations – under consideration

Existing Use(s):

01 dwellinghouse

28 agriculture (because the approved landscaping scheme has not been completed in its entirety in accordance with the approved plans)

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

GP9: Sustainable Development

GP13: Householder Development

GP15: Creation and Extension of Curtilage

Strategy for Nature Supplementary Planning Guidance

Conclusion/Brief comment:

The application relates to a change to the approved landscaping scheme and the insertion of a new gateway and timber gate (1.2m high and 4.2m wide) to the side boundary of the previously approved domestic garden. The principle of the change of use has been established and will not be revisited here.

It is important to assess however, whether the revised landscaping scheme would have an equal or enhanced biodiversity benefit having regard to the Strategy for Nature SPG. The submission acknowledges that the number of trees would reduce from 26 to 20 but the wildflower planting area is the same size as previously approved but relocated closer to the dwelling for biophilic benefits. The submission also notes the discovery of an underground shelter in the area where the majority of new trees were previously approved but that 1 existing tree in this area is to be retained along with 2 other existing trees on the site. The submission also sets out that the inclusion of a hedgerow to the northwest boundary would also be detrimental to landscaping with a new earthbank and supplementary planting now proposed for insects and pollinators.

Overall, the level of planting and biodiversity benefit to the site is good and a small reduction in the number of trees, having regard to the previously unknown and buried structure is considered to remain satisfactory in terms of securing a proportionate level of biodiversity enhancements to the site in accordance with the aims of the SPG.

The secondary vehicular access, from the far end of the site and via an existing access track will not have a detrimental impact on the character and appearance of the locality, will not result in an unacceptable increase in the use of this access track nor result in harm to residential amenity. This proposed change therefore accords with all relevant policies of the IDP.

It is noted that because the approved landscaping scheme has not been fully implemented the land on which the replacement dwelling is being constructed is not yet recognised as domestic garden. It is important therefore, to ensure that the landscaping scheme approved here is implemented before the dwelling is occupied so that the change of use of agricultural land to domestic garden can be recognised as implemented by the DPA which, in turn, ensures that the dwelling is not constructed outside of the recognised curtilage for this site. This matter can be addressed by planning condition, requiring the landscaping scheme to be fully implemented before the dwelling is first occupied.

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: 29/08/2024

