

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 (195 sq.m.).

LOCATION: La Vallee, Rue De Tertre, St. Andrew.

APPLICANT: Mr S Crittall

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: 25/11/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan, Block Layout Plan and Block Plan titled Le Vallee (dated stamped 01/08/2024)

Application Ref: FULL/2024/1339

Property Ref: K002220000

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.Details of the planting along the south-east boundary, including the species, size at the time of planting, number and densities of plants, shall be submitted to and agreed in writing by the Authority by the 31/12/2025.

Reason - In the interests of visual amenity and biodiversity.

4.The planting shall be fully completed in accordance with the details agreed under the terms of the above condition 3 by the 31/03/2026. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and biodiversity.

Expiry Date: This permission will cease to have effect on 25/11/2027 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/2024/1339
Property Ref: K002220000
Valid date: 28/08/2024
Location: La Vallee Rue De Tertre St. Andrew Guernsey GY6 8SG
Proposal: Change of use of agricultural land to domestic garden (195 sq.m.).

Applicant: Mr S Crittall

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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3. Details of the planting along the south-east boundary, including the species, size at the time of planting, number and densities of plants, shall be submitted to and agreed in writing by the Authority by the 31/12/2025.

Reason - In the interests of visual amenity and biodiversity.

4. The planting shall be fully completed in accordance with the details agreed under the terms of the above condition 3 by the 31/03/2026. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and biodiversity.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested to change the use of a parcel of agricultural land measuring approximately 195sqm to domestic land associated with the dwelling La Vallee.

The site comprises of an agricultural field with a stables in the north-west corner and a traditional dwelling to the north of the stables. The dwelling is accessed off a track from Rue De Tertre to the east, the field has a separate access onto Rue De Tertre within its east boundary.

The site is situated within an Agriculture Priority Area and is Outside of the Centres.

Relevant History:

23/05/2001 – PAPP/2000/4245 – Permission granted to erect stables (Option 1).

Existing Use(s):

Agricultural 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(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas

Policy GP1: Landscape Character and Open Land

Policy GP15: Creation and Extension of Curtilage

Conclusion/Brief comment:

The proposal to change the use of the land to a domestic use falls to be considered principally under Policies OC5(A), GP15 and GP1 of the Island Development Plan.

The site is not within an Area of Biodiversity Importance, no removal of existing boundaries are proposed and the proposed use of the land for domestic purposes would have no adverse effects on neighbouring residents.

The land the subject of this application forms part of a larger agricultural field. However, the triangular shaped parcel of land the subject of this application appears visually segregated from the remainder of the field by a bank and planting which first appeared between 1996 and 2001. The parcel of land is situated immediately to the south of the existing dwelling and is well related with the dwelling. Due to the topography of the field and surrounding land and the existing planting along the south-east boundary, the parcel of land is not prominent in public views and the change of use of the land is unlikely to have a significant adverse effect on the openness and landscape character of the area, in accordance with Policies GP15 and GP1.

The land forms part of an Agriculture Priority Area. The application relates to a small triangular shaped parcel of land measuring 195sqm situated immediately adjacent to the existing dwelling and containing a stables. The parcel of land has in effect been segregated from the remainder of the field for at least 23 years. The application is accompanied by a letter from the tenant of the agricultural field which sets out that they use the field to graze cows and for silage and have not used the stables and this parcel of land. By virtue of its limited size, the existing stables and its relationship with the adjoining domestic property, the land is likely to have a limited use for commercial agriculture and the proposal does not amount to a significant loss of agricultural land.

Existing trees, bramble hedge and bird and bat boxes are proposed to be retained. Due to existing tree planting, it is acknowledged that there is limited scope for further tree planting. The proposal to undertake additional planting of hawthorn within the south-east boundary would provide proportionate biodiversity enhancements, taking into account the limited area of land involved. Details of the siting, number, density and size of plants at the time of planting are required but can be requested by condition. Additional planting of hawthorn would also be necessary to provide a clearly defined boundary between the domestic and agricultural uses and therefore proposed planting should be concentrated where there are gaps in the existing planting.

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.

It is recommended that the application is approved.

Recommendation:

Grant with Conditions



Date: 21/11/2024

