

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 (216sqm) (Retrospective).

LOCATION: Le Grand Marais, The Dunes, Vazon Road, Castel.

APPLICANT: Mr N Gillam

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: 23/01/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: 02.SW - PD - 01 Rev A

Application Ref: FULL/2024/1708

Property Ref: D006010000

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 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.

3.Any trees or plants located within the hedge planting around the perimeter of the extended curtilage which are removed, die, become severely damaged or 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 planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

4.If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

Expiry Date: This permission will cease to have effect on 23/01/2028 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/2024/1708
Property Ref: D006010000
Valid date: 05/11/2024
Location: Le Grand Marais The Dunes Vazon Road Castel Guernsey
GY5 7LQ
Proposal: Change of use of agricultural land to domestic garden (216sqm)
(Retrospective).
Applicant: Mr N Gillam

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 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.

3. Any trees or plants located within the hedge planting around the perimeter of the extended curtilage which are removed, die, become severely damaged or 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 planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

4. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

OFFICER'S REPORT

Site Description:

The application site comprises a long parcel of land located to the south of The Dunes at Vazon and extending away from the coast road. The dwellinghouse is located within the domestic curtilage to the north of the site, and the remainder of the land is classified as agricultural.

The site is located Outside of the Centres within the Island Development Plan. The site itself is not subject to any specific designations, however the land to the west and south is designated as a Site of Special Significance.

Relevant History:

Pre-application advice stating that the installation of a swimming pool to the rear of the dwelling would not require planning permission.

Existing Use(s):

Residential Use Class 1
Agricultural Use Class 28

Brief Description of Development:

Permission was initially requested to change the use of all of the agricultural land located to the rear of the dwellinghouse, measuring approximately 1600sqm, to domestic land for use in association with that dwelling. Following deferral, the extent of curtilage proposed was reduced to 216sqm.

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

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

GP1 Landscape Character and Open Land

GP15 Creation and Extension of Curtilage

Strategy for Nature

Representations:

La Societe Guernesiaise commented on the application initially submitted as follows:

La Societe remains concerned over the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan currently permits the consideration of such applications, we seek to optimize ecological gains in such cases wherever possible.

We wish to highlight that the property adjoins an SSS on the west boundary.

We note that the applicant has provided some outline biodiversity measures, but these do not include sufficient details to determine if the proposals would result in a net ecological gain, as required under the Strategy for Nature.

Consultations:

The Office for Environmental Health and Pollution Regulation comments as follows:

I have reviewed the proposed plans to change the land use at the above mentioned address from agricultural to domestic which were received by email on 18th November 2024 and I recommend the following condition.

Please note this is one condition with multiple sub-sections:

(i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

- (a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the Authority,

- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition”

That Service subsequently confirmed by email that a reduced curtilage area, not extending beyond the northern line of the former glasshouses at the site, would have a reduced risk in respect of land contamination and the recommended condition could be altered to a discovery strategy condition.

Summary of Issues:

Impacts on openness and landscape character;
Provision of biodiversity enhancements;
Land contamination.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The recognised domestic curtilage of the application site extends 40m back from the north site boundary, with the remainder of the site extending a further 87m into the open land to the south and west. The domestic curtilage on the property to the east, currently known as Zanetia, extends 71.5m back from the north boundary. That curtilage therefore extends 28m beyond the recognised curtilage at the application site.

Policy OC5(B) and GP15 can provide a policy gateway for the extension of domestic curtilage, subject to meeting a number of criteria.

In terms of openness and landscape character, whilst development to the east of the application site extends further to the south than that at the application site, the land to the rear of the application site is read as part of the open land to the west and south in views from the Dunes and coast road to the north-west. The extension of domestic curtilage to include the whole site, as initially proposed, was considered to comprise a significant incursion into the open land and the application was deferred to seek a reduction in the extent of curtilage proposed. The revised curtilage, extending 52m back from the north boundary, would be less than the recognised curtilage of the property to the east and would not comprise a significant incursion into the open land.

The site is not located within or adjacent to an Agriculture Priority Area or Area of Biodiversity Importance and, whilst boundary hedging may have been removed, this has now been replaced. The proposed use of the land would be for domestic purposes, and, taking into account the proposed use and the relationship to surrounding residential property, the proposal would have no adverse effects on neighbouring residents.

In respect of the Strategy for Nature, the application as initially submitted proposed to:

- Retain the existing biodiverse hedging bounding the current field;
- Enhance the rearmost boundary planting by a further 3000mm;
- Create a bug hotel within the new rear boundary area;
- Undertake infrequent cutting of grassed area.

Following deferral, those works would fall outside of the proposed curtilage. It has however been confirmed that a new hedge has been planted around three sides of the proposed curtilage extension, including along the south boundary. The proposed area of extended curtilage is already developed with a pool and hardsurfacing (following the pre-application advice cited above) and there is limited capacity to provide additional planting within that area. In light of the small size of the area proposed for change of use, and the physical constraints in respect of providing any further planting, it is considered that the planting which has been undertaken would provide sufficient enhancement in this case. Given the planting has already been undertaken, the only condition required would be to ensure the appropriate maintenance of the new planting for at least a 5 year period.

In the context of this site there is no requirement to remove exemption rights.

In respect of the original proposal, the Office for Environmental Health and Pollution Regulation recommended a phased land contamination condition. The reduced curtilage would however be located outside of the footprint of the previous glasshouses at the site, and has already been developed. On that basis, the Office for Environmental Health and Pollution Regulation would recommend a discovery strategy condition over a full phased contamination condition.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

The revised curtilage proposed complies with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 22/01/2025