

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 (1,078 sq.m.) (retrospective).

LOCATION: L'Etoile Du Nord, La Rue Du Hamel, Castel.

APPLICANT: Mr C Humber

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: 10/03/2025

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

Drawing Nos: Guernsey Gardens - 001-018-2024-A & Ecological Assessment (dated 10/03/2025 & 11/02/2025 respectively)

Application Ref: FULL/2024/1837

Property Ref: D00063A000

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 installation of bird and bat boxes, details of those boxes and the locations in which they will be installed shall be submitted to and approved in writing by the Authority. The boxes shall be installed in accordance with the timeframe set out in Condition 5 below.

Reason - To make sure that the landscaping scheme provides a biodiversity net gain for the site in line with the aims of the Strategy for Nature, 2020.

5.The landscaping scheme hereby approved (as shown on Drawing No 001-018-2024-A and set out in the Ecological Assessment) shall be fully completed in the first planting season after the approval date, or in accordance with a programme previously agreed in writing by the Authority, and the landscaping shall thereafter be managed in accordance with the maintenance schedule set out within the Ecological Assessment. 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 - To make sure that the landscaping scheme provides a biodiversity net gain for the site in line with the aims of the Strategy for Nature, 2020.

Expiry Date: This permission will cease to have effect on 09/03/2028 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/2024/1837
Property Ref: D00063A000
Valid date: 11/11/2024
Location: L'Etoile Du Nord La Rue Du Hamel Castel Guernsey GY5 7JQ
Proposal: Change of use of agricultural land to domestic garden (1,078 sq.m.) (retrospective).

Applicant: Mr C Humber

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).

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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.

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Authority. The boxes shall be installed in accordance with the timeframe set out in Condition 5 below.

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Reason - To make sure that the landscaping scheme provides a biodiversity net gain for the site in line with the aims of the Strategy for Nature, 2020.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'L'Etoile du Nord' is a large modern detached flat roof dwelling built into a hill, with a ground floor and lower ground floor. The property is set back from and faces southwest onto La Rue du Hamel. The land falls away from the road to the northeast. There are other detached neighbouring properties to the southeast and across the road to the southwest, with open land beyond. The property is located Outside of the Centres and within an Agriculture Priority Area as defined in the Island Development Plan.

Relevant History:

FULL/2024/1577 – Erect wall and fence to south boundary – Approved March 2025.

FULL/2022/0926 - Variations to plans previously approved to erect single storey extension to south (side) elevation, widen vehicle access and erect gate - increase floor area to west (front) extension, and alterations to glazed link and fenestration, erect garden store to east (rear) elevation – Approved July 2022.

FULL/2021/2240 - Erect single storey extension to south (side) elevation, widen vehicle access and erect gate – Approved November 2021.

Existing Use(s):

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:

GP1: Landscape Character and Open Land

GP8: Design

GP15: Creation and Extension of Curtilage

Consultations:

Agriculture, Countryside and Land Management Services.

26/11/24

"The first observation I'd make is that there doesn't appear to be any assessment of the current ecological value. They do state that "Guernsey Gardens have confirmed there are no significant concerns", however they have not provided the evidence or ecological assessment to support that comment. They have also made reference to the 2018 Habitat Survey, but they do not appear to have interrogated the results of the survey or apply its findings to this area of land. There is also not any reference made to the existing boundary features and whether they will be cleared or retained, nor is there any assessment of the trees which they have noted will be removed. It is therefore not possible to understand the baseline biodiversity of the site in order to determine whether the scheme would likely result in an overall enhancement.

However, it is possible to refer to aerial photography to deduce whether there is likely to be features of ecological importance present, the damage/loss of which may cause a decline in biodiversity value (which would need to be avoided or offset). These archived photos appear to demonstrate that the grassland hasn't been cultivated for greater than 8 years and so should be considered 'permanent grassland', and that the site is bounded by natural vegetation (recorded as Earthbanks with scrub in the 2018 Phase 1 habitat survey).

The cultivation (i.e. rotovated and laid to lawn or sown with wildflower seed) of the permanent grassland would result in a loss of biodiversity, and we would instead recommend that instead it is managed sensitively and if, after a period of three years the species diversity remains low, the area could be over-sown or planted with native species. This is in-line with the published [wildflower meadow guidance](#). Furthermore, the area being set aside for 'wildflower meadow' is predominately beneath the

proposed tree planting, which are likely to provide shade and prevent the establishment of these wildflowers. We also note that the total area 'set aside' for wildflowers/tree planting totals on 246m².

We agree with the species selection for the wildflower meadows, native hedging and tree planting, however we do not believe that the current scheme is likely to result in an enhancement of biodiversity, especially as the majority of the site is proposed to be either bedding plants, cobbles, or laid to grass.

We recommend that the scheme is reassessed, and consideration is given to:

- avoiding damage to the permanent grassland or additional mitigations are proposed to offset the loss of biodiversity which would likely arise from its cultivation,*
- understanding the potential impact to boundary features (i.e., are they going to be kept as they are, will they be replaced by the proposed hedging, etc)*
- understanding the potential impacts from the loss of existing trees (i.e., what species, age and condition are the existing trees).*

The applicant may wish to engage with a suitably qualified ecologist to provide the above assessment/information."

13/02/2025

"We welcome the provision of an ecological assessment to provide information on the existing ecological value of the site and we support the proposed mitigation measures outlined within it. The reduced lawn area, retention of turf across the area of domestic curtilage, and sensitive management of the grassland will minimise damage to the permanent grassland and has the potential, if managed correctly, to enhance biodiversity in these areas. As the management measures are key to the success of the grassland enhancement and wildflower meadows, we recommend that adhering to the recommendations within the ecological assessment is included within a suitably worded condition or advisory of the planning notice.

The ecological assessment provides further information about the current and proposed boundary features. We welcome the removal of blackthorn, guelder rose, and holly from the species selection for the Northeast hedging to increase the wildlife support provided by the hedge and its contribution to biodiversity enhancement on site. The retention of the Northwest boundary, and appropriate management henceforth, will also support wildlife and provide screening.

Further information has also been provided on the existing trees, which all appear to be non-native although mature. We welcome the plans to replace the Leylandii and Turkey Oak on the north-east boundary with field maples but note that the recommendation from Environment Guernsey to fell the 2 Holm Oak trees and replace these with a native alternative has not been included within the updated landscaping plan. As described in the ecological assessment, "the removal of the oaks would provide additional natural light" which will aid the success of the wildflower meadow proposed for below these trees. A native species, such as field maple, would

also provide better support for local wildlife and contribute to biodiversity on site. The bird and bat boxes proposed in the Ecological Assessment will help to mitigate the impact of felling the trees on nesting and roosting space. We would also recommend that a ground level nest assessment is undertaken on the trees before they are felled in order to ensure compliance with the Animal Welfare Ordinance if the felling is to take place during the breeding bird season.

*Furthermore, we note that the proposed shrub planting at the Southwest of the property is entirely comprised of non-native species. As most of the perennials are also non-native, the Applicant may wish to reconsider the species choice for the hedging to be a native species such as wild privet (*Ligustrum vulgare*) to better support wildlife.*

Overall, biodiversity enhancement will be achieved if the recommendations within the ecological assessment are adhered to. This will include:

- Ensuring the grassland is managed appropriately, as per the guidelines in the ecological assessment*
- Replacing the holm oak with a native species such as field maple*
- Installing bat and bird boxes*
- Reconsidering the species choice of the proposed shrub planting to be a native species such as wild privet."*

Conclusion/Brief comment:

This application is for a change of use of agricultural land to domestic garden (1,078sqm).

The proposals are not considered to have an unacceptable detrimental impact on the landscape character. The land subject of the change of use is bound by a maturely planted boundary, it is part of a sloping topography and has limited access, it is therefore unable to be used for commercial agriculture. The only boundary changes will be to plant more native species and remove any non-native species, thus improving the biodiversity of the site.

Initially ACLMS were consulted and they recommended that the applicant engage an ecologist to help mitigate any issues and provide advice on how to improve the proposed biodiversity enhancements.

Environment Guernsey submitted a report and the agent updated the landscape plan accordingly. The main updates on the plan include reducing the amount of domestic lawn on the lower part of the garden, allowing more rough grassland/wild flower meadow. Many of the non-native plants have now been omitted from the scheme and more native species introduced, although this could still be improved, especially along the southwest. Wild Privet is a native wildlife supporting species. The Holm Oak trees are to be pollarded rather than be felled, which is considered to be appropriate.

Overall, the updated biodiversity measures are now going to lead to a small ecological gain across the site, as sought through the Strategy for Nature.

The proposals are not considered to have any impacts on the character and appearance of the surrounding area, nor will they have any adverse effects on neighbour amenity.

As such 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: 10/03/2025

