

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 (2,519sqm) and erect sheds and glasshouse (retrospective).

LOCATION: Paradis Aussi, Les Basses Capelles Road, St. Sampson.

APPLICANT: Mrs S Torode

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: 27/03/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/12/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Biodiversity Statement (pages 8 -12), Block Plan, Site Landscaping Plan Habitat: 2023006_PD_001_A.

Application Ref: FULL/2024/1870

Property Ref: B01593C000+B01593A002

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.The landscaping scheme shall be fully completed, in accordance with the details submitted on the proposed Site Landscaping Plan (Drawing Number 2023006_PD_001_A, and Biodiversity Statement (dated 23rd April 2024), in the first planting season following the grant of this permission, or in accordance with a programme previously agreed in writing by the Authority. Any trees, hedges, 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, hedges or plants of a size and species similar to those originally required to be planted.

Reason - To ensure that the biodiversity enhancement planting scheme is carried out in a suitable timeframe in order to accord with the Strategy for Nature (2020) Supplementary Planning Guidance given the retrospective nature of the application.

Expiry Date: This permission will cease to have effect on 26/03/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The Authority recognises that the site once housed a number of glasshouses on the site and currently retains a span of glass from its former commercial horticultural use located to the south of the approved domestic curtilage extension. Should you wish to demolish the remaining span of glass, it is strongly advised that you contact EH to seek guidance with regards to minimising potential land contamination.

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/2024/1870
Property Ref: B01593C000+B01593A002
Valid date: 12/12/2024
Location: Paradis Aussi Les Basses Capelles Road St. Sampson
Guernsey GY2 4WD
Proposal: Change of use of agricultural land to domestic garden
(2,519sqm) and erect sheds and glasshouse (retrospective).

Applicant: Mrs S Torode

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.

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Reason - To ensure that the biodiversity enhancement planting scheme is carried out in a suitable timeframe in order to accord with the Strategy for Nature (2020) Supplementary Planning Guidance given the retrospective nature of the application.

INFORMATIVES

The Authority recognises that the site once housed a number of glasshouses on the site and currently retains a span of glass from its former commercial horticultural use located to the south of the approved domestic curtilage extension. Should you wish to demolish the remaining span of glass, it is strongly advised that you contact EH to seek guidance with regards to minimising potential land contamination.

OFFICER'S REPORT

Brief Description of the site:

The application site consists of a dwelling-house (known as Paradis Aussi) located to the north of a private lane which serves two other houses. The site was one large property which appears to have been subdivided a number of decades ago. The property is served by a detached outbuilding to the north, and a double garage to the west.

To the north of the dwelling-house (Paradis Aussi) lies a large area of agricultural land which is also accessed off the private lane. The site once housed a number of glasshouses in the mid-to-late 20th century, most of which have been removed from the site. A small section of the original glasshouse remains, and lies to the north of the detached garage. The section of glasshouse is in good order, is currently used by the applicant's and is not highly visible from Les Basses.

A number of sheds, structures and a domestic style glasshouse have been erected on the agricultural land, located to the north of the dwelling-house and adjacent to the east boundary.

Planning permission is sought to change the use of agricultural land to domestic garden (2,519sqm).

The application was deferred over the retrospective nature of the change of use and structures erected on agricultural land, and to seek revised plans to take into account the Biodiversity Statement.

Relevant History:Agricultural land:

None.

Dwelling-house:

CURT/2023/2180	Definition of Curtilage.	
FULL/2012/2225	Erect single storey extension to front (west) of property, install three rooflights on north elevation and install two sun tunnels on east elevation and one sun tunnel on south elevation.	Granted
PAPP/2006/1712	Erect a double garage	Granted

Neighbouring dwelling to the north - Beverwijk:

FULL/2020/1149	Change of use of agricultural land to domestic garden.	Granted
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Existing Use(s):

Agriculture

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
X
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Policies considered most relevant:

OC5(B): Agriculture Outside of the Centres – outside of the Agriculture Priority Areas
OC7: Redundant Glasshouse Sites Outside of the Centres
GP1: Landscape Character and Open Land
GP8: Design
GP13: Householder Development
GP15: Creation and Extension of Curtilage

Strategy for Nature - Supplementary Planning Guidance (2020).

Conclusion/Brief comment:

Principle of development:

It is recognised that a relatively small span of glass remains on site which was part of the former horticultural use on the site. The glass remaining on the site is considered to be 'Superstructure' for the purposes of Supplementary Planning Guidance (2018) - Defining Redundant Glasshouse Sites, given that the structure is located above ground level.

On this basis, the agricultural land is considered to be a 'redundant glasshouse site' for the purposes of the Supplementary Planning Guidance (2018). It is recognised that defining a redundant glasshouse site, or part of a site, is assessed on a case-by-case basis.

On this basis, Policy OC7 is engaged and consideration of such Policy is set out below:

- a) The site is not within or adjacent to an Agriculture Priority Area.
- b) The site would not contribute positively to a wider area of open land for the purposes of Policy OC7. The site is located to the rear of ribbon development when viewed from Les Basses Capelles Road. Given that built development fronts onto the Les Basses Capelles Road and that the site lies to the rear of the building line, it is considered that the site would not make a material positive contribution to the wider area of open land when viewed from the road.

Whilst the site is visible in long distant views to the north, from Les Salines Road, the site again is screened by mature landscaping located along the north boundary of the site which limits its visual contribution to the wider area of open land. Furthermore, similar proposals to extend the domestic curtilage to the rear (south) of properties that front onto Les Salines Road have also been granted permission which negates the site's contribution to the wider area of open land.

On this basis, the visual and spatial contribution of the site to the surrounding wider area of open land is not sufficient to justify refusal when taking into account the characteristics of the site, the relationship of the surrounding built environment, and approvals for similar types of development in the wider area.

- c) The proposal is not for small scale industry or storage and distribution uses.

- d) The proposal is for a change of use of agricultural land to domestic curtilage which is discussed in the subsection below *'change of use of land and operational development'*.
- e) The proposal is not for the provision of infrastructure development.
- f) The proposal is not for the conversion of a redundant ancillary structure.
- g) The proposal is not for a campsite.
- h) The proposal is not for outdoor formal recreation or informal leisure and recreation.

It is also important to note that; there would be no unacceptable adverse effects on neighbouring residents, the proposal would not jeopardise highway safety, the most effective and efficient use of the site would remain unchanged, the proposal includes a native landscaping scheme (albeit there will be no adverse impacts that would need to be mitigated).

Whilst it is recognised under Planning Law that once the horticultural use of the land ceases, it is expected that all redundant glasshouses and ancillary structures should be cleared from the site and returned to agricultural use. However, the proposal is not seeking to remove the section of glass associated with the former horticultural use of the land.

In this case, the remaining section of the former glasshouse is currently being used to store domestic paraphernalia and therefore the structure is reasonably capable of being used in association with the proposed residential use. This view is supported given that the removal of such structure would not have an obvious and overwhelming positive impact on visual amenity.

The removal of the span of glass could also increase the likelihood of the land becoming contaminated when taking into account factors such as landscape character and soil quality. Consequently, it is not considered necessary to remove the span of glass in this circumstance, particularly as there would be no obvious visual benefit in doing so that would benefit the public realm.

It is therefore reasonable, in this specific case, to allow the remaining span of glass to remain on the site, and to be used in association with proposed domestic use of the land.

Change of use of land and operational development:

Policy OC5 (B) (Agriculture Outside of the Centres – outside the Agriculture Priority Areas) states that *"Proposals for development which would result in the loss of an existing farmstead, agricultural buildings or land will be supported where the*

proposed new use accords with the other relevant policies of the Island Development Plan". Policies GP1 and GP15 are considered below.

The application site is not located within an Area of Biodiversity Importance or an Agriculture Priority Area (APA) as defined in the Island Development Plan.

The application does not propose to remove any established boundary treatments.

Due to the secluded nature of the land and well-established boundary treatments, the area of land does not contribute to a wider area of open land from a visual perspective for the purposes of Policy GP1 and GP15.

Whilst the adjoining land to the north, east and west of the application site, appears to consist of open fields to the rear of residential properties, some of these fields, particularly to the north of the application site, have also been granted planning permission for a change of use of agricultural land to domestic curtilage. Consequently, the landscape character surrounding the site is varied, is not of a uniform in character, and also does not form part of an Agriculture Priority Area.

There would be no requirement to restrict the exemption rights afforded to the householder to manage future development of the land given its distance and relationship to the main road (Les Basses Capelles Road), coupled with the fact that the number of existing outbuildings, sheds, glasshouses already exist on the land and thereby any additional outbuildings, sheds, glasshouses would require a separate grant of planning permission.

The proposal would not cause undue harm to the amenities of neighbouring residents due to the relationship to neighbouring properties.

The impact on the landscape character and open land has been considered under the provisions contained within Policy GP15. In summary, the change of use alone would not have a detrimental impact to the landscape character and open land, and the proposal would not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area. The development is compliant with Policy GP1.

The agent has included areas of biodiversity enhancement, supplied by Environment Guernsey, to take into account the Strategy for Nature (2020) Supplementary Planning Guidance. The provision of biodiversity enhancements is considered proportionate and reasonable when taking into account the size of the proposed extension of garden. These measures can be implemented and managed accordingly by a planning condition.

With regards to operational development, the structures erected on the land retrospectively are incidental to the main house, are of an appropriate size, and are located near the house. The structures achieve a good standard of design and will

not have a detrimental impact on the character of the area, visual amenity, or the amenities of neighbouring residents.

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.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 21/03/25