

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 (330sqm), demolish existing dwelling and erect replacement dwelling with associated works (revised scheme).

LOCATION: The Chalet, Les Prins Lane, Vale.

APPLICANT: Mr A Luxton & Ms B Broome

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: 17/12/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Turnstone Design - 401-10 P2.

Application Ref: FULL/2024/1893

Property Ref: C02395A000

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.The dwelling hereby approved shall not be occupied until such time as the existing dwelling, currently known as The Chalet, has been demolished, as shown on the approved plans, and all ancillary materials, works and structures have been removed from the site.

Reason - For the avoidance of doubt and to clarify the extent of the permission having regard to the requirements of the Island Development Plan and the limits this imposes on new residential development Outside of the Centres.

5.The development hereby permitted shall be constructed in accordance with the details shown on the approved plans regarding solar panels and permeable hardstanding to the front/south of the dwelling. There shall be no occupation of the dwelling hereby approved until the solar panels have been installed and made operational in accordance with the details shown on the approved plan.

Reason - In the interests of sustainable development.

6.No occupation of the dwelling shall take place until such time as the parking, turning and cycle storage facilities shown on the approved plan have been completed in accordance with the submitted details.

Reason - To make sure vehicles can enter and leave the site in a forward direction, to provide off-street parking and to encourage travel by alternative modes of transport.

7.The landscaping scheme approved under application reference FULL/2024/0776 shall be fully completed, in accordance with these approved details, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a

programme previously agreed in writing by the Authority. 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 - In order to help assimilate the development into its surroundings and having regard to the Strategy for Nature SPG.

8. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no gate, fence, wall or other means of enclosure more than 0.9m high (other than the post and rail fence expressly approved and shown on the approved drawings) shall be erected, constructed or placed along the east boundary of the domestic garden hereby approved.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

9. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

10. 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 17/12/2027 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/2024/1893
Property Ref: C02395A000
Valid date: 18/11/2024
Location: The Chalet Les Prins Lane Vale Guernsey GY6 8HH
Proposal: Change of use of agricultural land to domestic garden (330sqm), demolish existing dwelling and erect replacement dwelling with associated works (revised scheme).

Applicant: Mr A Luxton & Ms B Broome

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).

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. The dwelling hereby approved shall not be occupied until such time as the existing dwelling, currently known as The Chalet, has been demolished, as shown on the approved plans, and all ancillary materials, works and structures have been removed from the site.

Reason - For the avoidance of doubt and to clarify the extent of the permission having regard to the requirements of the Island Development Plan and the limits this imposes on new residential development Outside of the Centres.

5. The development hereby permitted shall be constructed in accordance with the details shown on the approved plans regarding solar panels and permeable hardstanding to the front/south of the dwelling. There shall be no occupation of the dwelling hereby approved until the solar panels have been installed and made operational in accordance with the details shown on the approved plan.

Reason - In the interests of sustainable development.

6. No occupation of the dwelling shall take place until such time as the parking, turning and cycle storage facilities shown on the approved plan have been completed in accordance with the submitted details.

Reason - To make sure vehicles can enter and leave the site in a forward direction, to provide off-street parking and to encourage travel by alternative modes of transport.

7. The landscaping scheme approved under application reference FULL/2024/0776 shall be fully completed, in accordance with these approved details, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. 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 - In order to help assimilate the development into its surroundings and having regard to the Strategy for Nature SPG.

8. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no gate, fence, wall or other means of enclosure more than 0.9m high (other than the post and rail fence expressly approved and shown on the approved drawings) shall be erected, constructed or placed along the east boundary of the domestic garden hereby approved.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

9. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

10. 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 Chalet, Les Prins Lane, Portinfer Road is a pitched and flat roof building situated to the north of the site, immediately adjacent to the west site boundary with the dwelling currently known as Judalia.

The application submission highlights an area that is proposed to be domestic garden and vehicular access for the property and neighbouring dwelling to the west and an area of agricultural land to be retained.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

CLU/2021/0049 - Regularise use of property as a single dwelling house (Residential Use Class 1) – granted

FULL/2022/1982 - Change of use of agricultural land to domestic garden (part retrospective) (1,980sqm). Remove french doors to south (rear) elevation, infill and install door and erect shed (retrospective) – withdrawn

CLU/2023/0128 - Regularise use of land as a domestic garden (1980 sqm) (Residential Use Class 1) – refused

FULL/2024/0776 - Change of use of agricultural land to domestic garden (330sqm), demolish existing dwelling and relocate and erect replacement dwelling and associated works – granted

Pre-application advice was sought in this case.

The 2021 Certificate of Lawful Use application sets out that *“no consideration has been given to whether The Chalet has a domestic curtilage/garden, and should a Certificate of Lawful Use be granted it will not confer any approval in relation to the residential use of land associated with The Chalet”*. A subsequent CLU application in 2023 was also refused in relation to the use of agricultural land as domestic garden.

The Planning Service does not therefore, recognise any area of land around the building as being domestic garden/curtilage. It is apparent that an area of land around the existing dwelling is utilised as domestic garden and in this respect the application is retrospective.

Existing Use(s):

01 dwellinghouse
28 agriculture

Brief Description of Development:

The application relates to the change of use of agricultural land to domestic garden at The Chalet (part-retrospective), the demolition of the existing dwelling and construction of a replacement dwelling within the proposed area of domestic garden.

The scheme relates to the erection of a one and a half-storey dwelling with single-storey element. The dwelling would have a render and timber clad exterior containing open plan living, kitchen and dining area, a bathroom and two bedrooms on the ground floor and master suite at first floor level. External off-road parking and turning for two cars is proposed along with cycle and bin storage. Solar panels are shown on the west facing roof of the dwelling and the boundary between the

domestic and agricultural land is indicated to be marked by a post and rail fence (a matter that was approved via the discharge of condition in relation to the approved scheme earlier in 2024).

The Strategy for Nature has been addressed through the approved landscaping scheme for the area of domestic curtilage, with supplementary planting on agricultural land.

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

Island Development Plan policies:

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

IP6: Transport infrastructure and support facilities

Strategy for Nature SPG

Representations:

None.

Consultations:

Office of Environmental Health and Pollution Regulation – concerns in relation to potentially contaminated land. Having reviewed the historic maps there is evidence of a glasshouse on the site in 1970. However, unfortunately there is limited information about this and as such the potential risk of contamination is difficult to quantify. To address this I would therefore recommend that a discovery strategy condition is imposed on this permission.

Summary of Issues:

The key issues in this case relate to the change of use of agricultural land to domestic garden, the principle of erecting a replacement, taller dwelling on the site along with matters relating to residential amenity and the Strategy for Nature Supplementary Planning Guidance.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Change of use of agricultural land to domestic garden

The change of use of agricultural land to domestic garden was fully assessed as part of the previous application in 2024. There has been no change in the extent of domestic garden proposed nor the means of defining the curtilage/garden area and the policies against which the application must be assessed remain unchanged. As a result the change of use of land proposed remains acceptable and a detailed landscaping scheme has already been approved which can be tied to this permission, unless a subsequent, replacement landscaping scheme is produced.

Replacement dwelling

The principle of demolishing the existing dwelling has already been established as has the erection of a replacement dwelling in an alternative location on the site.

The proposed dwelling would be larger and more prominently positioned in its proposed plot and therefore would be more visible from the adjoining lanes to the north and southwest of the site. The dwelling does remain modest in height and incorporates a single-storey flat roof element to reduce its overall scale and mass. The building will generally be viewed in the context of the existing cluster of development and will not result in undue harm to the open landscape character of the area. Overall, the development will not alter either visual or physical access to open land given that this is private land with open views across it at present.

To introduce one and half storey accommodation on the site makes more efficient and effective use of land and as outlined above the revised scheme will not have an unacceptable impact on the open landscape concerned in line with the aims of Policy GP1 and GP8.

The external materials proposed are similar to those previously approved. There is no uniform design or palette of materials in the local area and the dwelling achieves a good standard of design that respects the character of the local built and open landscape. The dwelling will not appear visually intrusive, out of keeping or have an unacceptable adverse impact on the character or quality of the built environment or the character and amenity of the locality (GP13 and GP8).

The siting and layout of the dwelling is such that it will not result in overshadowing, loss of sunlight/daylight or overlooking of any adjoining dwelling and therefore satisfactorily considers the health and well-being of neighbours of the development. The external space provided to serve the dwelling is adequate for the proposed dwelling plus the site is within close proximity to the coast/beaches. Overall, the proposal would provide an adequate living environment, in accordance with Policy GP8(d) and Annex I: Amenities having regard to the health and well-being of occupiers of the development.

The ground floor and open plan layout proposed is such that the ground floor accommodation would be accessible to all. First floor accommodation would be accessible to ambulant disabled. The accommodation could be used in a different way to that shown on the application drawings and the property could also be extended. Overall, the scheme therefore demonstrates accessibility to and within the building for people of all ages and abilities, offering flexible and adaptable accommodation that can respond to people's needs over time in accordance with Policy GP8.

The scheme proposes adequate off-road parking to serve the development along with on-site turning to enable vehicles to turn and exit the site in a forward gear. Provision has been made for cycle storage and the scheme is considered to comply with Policies IP6, IP7 and IP9 of the IDP.

The application has been accompanied by a Waste Management Plan setting out information relating to the recycling and disposal of waste arising from demolition on the site. It is concluded that further information in connection with a Site Waste Management Plan can be controlled by planning condition and therefore Policy GP9 has been satisfied in this respect.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9. The proposal indicates that solar panels will be installed to the roof of the development with gravel for the parking and turning area both of which can be managed by condition and will contribute towards sustainable design for the purposes of Policy GP9.

OEHPR have recommended a planning condition in this instance and although no concerns were raised in relation to the original application to redevelop the site the recommended condition is a precautionary approach that seeks to bring awareness to the possibility of contamination on the site and setting out that if contamination is revealed that further action is required. In the event no contamination is present, this would not require any further action by the applicant/developer.

In view of the above it is recommended permission is granted for the proposed development subject to appropriate planning conditions. This must include a condition relating to the demolition of the existing dwelling given the policy

constraints regarding new residential development in locations such as this, Outside of the Centres.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 16/12/2024

