

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 (898sqm) (Retrospective).

LOCATION: Courtil De Haut Farmhouse, Les Grandes Capelles Lane, St. Sampson.

APPLICANT: Stable Properties Ltd

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: 17/01/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Architects - 3889/PL01, 3889/SV02.

Application Ref: FULL/2024/1917

Property Ref: B012100000+B012090000

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.Notwithstanding the information shown on the approved plans, within two months of the date of this permission details of the biodiversity landscaping scheme set out on drawing 3889/PL01, including full details of the native hedging setting out planting schedules, noting the species, sizes, numbers and densities of plants shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - The information submitted is ambiguous, and to ensure that the planting scheme is carried out in a suitable timeframe in order to accord with the Strategy for Nature (2020) Supplementary Planning Guidance.

3.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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 hedge 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 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.

4.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no walls or fences that constitute exempt development within Class 1 of the Land Planning and Development (Exemptions) Ordinance, 2023, shall be erected or constructed within the approved domestic curtilage extension to the rear (south) of the dwelling to which this permission relates.

Reason - The carrying out of development of this type may cause harm to the landscape character and amenity of the area.

Expiry Date: This permission will cease to have effect on 17/01/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In light of the planting scheme as shown on drawing 3889/PL01, it is encouraged that you contact La Société Guernesiaise for further information on the appropriateness of the species proposed in order to maximise biodiversity of the approved area of garden. La Société can be contacted by emailing info@societe.org.gg

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/2024/1917
Property Ref: B012100000+B012090000
Valid date: 22/11/2024
Location: Courtil De Haut Farmhouse Les Grandes Capelles Lane
St. Sampson Guernsey GY2 4UT
Proposal: Change of use of agricultural land to domestic garden
(898sqm) (Retrospective).

Applicant: Stable Properties Ltd

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. Notwithstanding the information shown on the approved plans, within two months of the date of this permission details of the biodiversity landscaping scheme set out on drawing 3889/PL01, including full details of the native hedging setting out planting schedules, noting the species, sizes, numbers and densities of plants shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - The information submitted is ambiguous, and to ensure that the planting scheme is carried out in a suitable timeframe in order to accord with the Strategy for Nature (2020) Supplementary Planning Guidance.

3. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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 hedge 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 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.

4. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no walls or fences that constitute exempt development within Class 1 of the Land Planning and Development (Exemptions) Ordinance, 2023, shall be erected or constructed within the approved domestic curtilage extension to the rear (south) of the dwelling to which this permission relates.

Reason - The carrying out of development of this type may cause harm to the landscape character and amenity of the area.

INFORMATIVES

In light of the planting scheme as shown on drawing 3889/PL01, it is encouraged that you contact La Société Guernesiaise for further information on the appropriateness of the species proposed in order to maximise biodiversity of the approved area of garden. La Société can be contacted by emailing info@societe.org.gg

OFFICER'S REPORT

Site Description:

The application site is situated Outside of the Centres as designated in the Island Development Plan. The site is not located within an Agriculture Priority Area.

The property includes a detached dwelling, known as 'Courtil de Haut Farmhouse' which is located to the east of Les Grandes Capelles Lane and the area surrounding comprises residential properties, with open fields beyond.

Planning permission was granted in 2024 to retrospectively extend the domestic curtilage associated with the dwelling, in order to encompass a small area directly to the south of the dwelling, to encompass an unauthorised swim spa to the rear of the dwelling. The retrospective area of domestic curtilage was approximately 109sqm.

An area of agricultural land lies directly to the south of recently approved domestic curtilage.

Land within the same ownership is used for equestrian activities. A sand school and associated stables lies to the north and east of the site.

Relevant History:

Cadastre reference: B012100000.

CLU/2023/2498	Regularise use of section of agricultural land to domestic garden (1,000sqm)	Refused
PREA/2020/2134	Install swim spa pool.	Pre-application enquiry

Cadastre reference: B012090000.

FULL/2024/1218	Change of use of agricultural land to domestic garden (retrospective) (109sqm).	Granted
FULL/2017/1083	Change of use of agricultural land to extend the curtilage, relocate earthbank and install horse walker.	Granted

Existing Use(s):

Agriculture.

Brief Description of Development:

Retrospective permission is sought to extend the domestic curtilage associated with the dwelling. The proposed extension of domestic curtilage equates to approximately 898sqm.

The application was deferred as no details had been provided to address the Strategy for Nature - Supplementary Planning Guidance (2020).

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

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

GP1: Landscape Character and Open Land.

GP15: Creation and Extension of Curtilage.

Strategy for Nature - Supplementary Planning Guidance (2020).

Representations:

None.

Consultations:

None.

Summary of Issues:

- The impact of the development on the character and appearance of the area.
- Whether the development would have a significant detrimental impact on the amenities of neighbouring properties?

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).**

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 retrospective extension of domestic garden is located to the south of the dwelling. The land is bounded by mature planting along the east and south boundary, and features fencing along the east boundary. A linear section of fencing runs through the centre of the land in a north/south direction and features domestic paraphernalia.

As set out in officer's report of application FULL/2024/1218, due to mature hedges which are located along the west boundary of the site, views of the proposed extension of domestic curtilage are fairly restricted to glimpsed views. Gaps in the existing boundary hedge allow views into the site, although when taking into account the additional bio-diversity enhancements, such glimpses would be further restricted. It is however recognised that landscaping is subject to change over time.

From spatial analysis perspective, the land does positively contribute to a wider area of open land in an easterly direction i.e. when viewed in context with the sand school (agricultural land) and the fields beyond. However, the land can also be considered to follow the wider ribbon development to the east of Les Grandes Capelles Lane, in a north-south direction.

Taking into account both its negligible visual contribution to openness, its limited spatial contribution to wider open land, and that the land is not located in an Agriculture Priority Area, the retrospective extension of curtilage is acceptable under the provisions of policies OC5(B), GP1 and GP15.

Although, due to the size of proposed extension of curtilage together with its; proximity and relationship to Les Grandes Capelles Lane, the position of the property

to the road, and that the boundary hedge is subject to change; it is considered necessary and reasonable to attach a planning condition to restrict the homeowner's rights to carry out certain exempt works (under the Exemptions Ordinance 2023) on the extension of curtilage that may cause harm to the character and appearance of the surrounding area. In particular, due to the position of the house, it is considered that erecting a wall or fence in close proximity to the Les Grandes Capelles Lane, parallel to the west gable wall of the property, could cause harm to the character and amenity of the area. A condition to this effect should be attached to the decision.

It is not however considered necessary to restrict other types of development, such as an extension, outbuilding or garage, particularly as the property is already served by outbuildings and therefore planning permission would automatically be required for any additional structures. Similarly, due to the age of the property planning permission would automatically be required for any new extension, and any new garage would need to be served by a new vehicular access, which itself would automatically require planning permission.

The application is not proposing to remove any established boundary treatments.

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

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.

On this basis, the application is compliant with the relevant Island Development Plan policies, it is therefore recommended that planning permission be granted, subject to conditions.

Date: 16/01/25

