

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 (595sqm), erect single storey extension to south (rear) elevation.

LOCATION: Le Vivier North, Les Salines Road, St. Sampson.

APPLICANT: Mr T Hearne

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: 04/03/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/12/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JM Design Ltd: 2308-03 PD/01A & PD/02

Application Ref: FULL/2024/1991

Property Ref: B01594B000

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 first occupied until such a time as all existing buildings on site have been demolished and all ancillary materials, works and structures have been removed from the site.

Reason - To make sure the development takes the form hereby permitted.

5.The landscaping scheme/biodiversity enhancements shall be fully completed, in accordance with the Environment Guernsey Ltd Biodiversity Statement document July 2023 (date stamped 31/07/2023) within the first planting season following completion of the development, or prior to its first occupation (whichever is the sooner) or in accordance with a programme previously agreed in writing by the Authority. The site, landscaping and biodiversity enhancements shall be managed as stated within the document and 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 appearance of the completed development is satisfactory, to help assimilate the development into its surroundings and to ensure that the scheme provides biodiversity enhancements in accordance with the Strategy for Nature SPG.

Expiry Date: This permission will cease to have effect on 03/03/2028 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/2024/1991
Property Ref: B01594B000
Valid date: 18/12/2024
Location: Le Vivier North Les Salines Road St. Sampson Guernsey
Proposal: Change of use of agricultural land to domestic garden (595sqm), erect single storey extension to south (rear) elevation.

Applicant: Mr T Hearne

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 first occupied until such a time as all existing buildings on site have been demolished and all ancillary materials, works and structures have been removed from the site.

Reason - To make sure the development takes the form hereby permitted.

5. The landscaping scheme/biodiversity enhancements shall be fully completed, in accordance with the Environment Guernsey Ltd Biodiversity Statement document July 2023 (date stamped 31/07/2023) within the first planting season following completion of the development, or prior to its first occupation (whichever is the sooner) or in accordance with a programme previously agreed in writing by the Authority. The site, landscaping and biodiversity enhancements shall be managed as stated within the document and 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 appearance of the completed development is satisfactory, to help assimilate the development into its surroundings and to ensure that the scheme provides biodiversity enhancements in accordance with the Strategy for Nature SPG.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises an agricultural field which has had the northwest corner converted into domestic curtilage and a 56sqm single storey flat roof dwelling in the process of being completed. Surrounding the site, the area comprises land to the north used as allotments, and domestic land to the east and south (permissions have been previously granted to convert the land into residential curtilage) with residential properties beyond, and residential properties to the west and northwest.

Planning permission was granted (Ref: FULL/2022/0459) to form an access track from the field the subject of this application, across the land to the north (both sites are owned by the applicant of this application) and onto Les Salines Road.

The site is enclosed by earth banks, hedges, trees, walls and fencing, and is located Outside of the Centres and the subject of no other designation under the Island Development Plan.

Relevant History:

FULL/2023/2213 - Demolish building and erect dwelling and associated works – Approved February 2024.

FULL/2023/0050 - Convert and extend stable/outbuilding to create dwelling, change of use of agricultural land to domestic garden (825 sqm) with landscaping and parking – Approved August 2023.

FULL/2022/0459 - Remove section of wall and form bridge over dourt for vehicle access between agricultural fields – Approved May 2022.

Existing Use(s):

It will be 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
GP9: Sustainable development
GP15: Creation and Extension of Curtilage

Conclusion/Brief comment:

This application is for an extension of curtilage of the section of field directly south to become domestic garden and then to construct a large single storey extension.

Initially the application was deferred because the size of the extension is disproportionate to the main dwelling and it would have dominated the site if the extension of curtilage had not been permitted. However a further search of the historical planning records shows that the land to the south (and east) of the 'existing' curtilage was shown to have been converted to domestic land in application FULL/2020/1551 when the field was under different ownership.

Therefore the size of the extension, although still regarded as being disproportionate, is more acceptable within the larger domestic curtilage and can be assessed as follows.

The proposals are considered to achieve a good standard of design, using materials which complement the existing materials. The extension will provide adequate levels of sunshine and daylight, and give the occupiers more flexible and adaptable accommodation.

The scale and massing of the new extension is not considered to have a detrimental effect on the character and amenity of the surrounding area, nor will it have any impact on any of the immediate neighbours.

The biodiversity enhancements previously approved have been scaled up to take into consideration the additional land to be domesticated, which is considered appropriate and acceptable.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

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: 26/02/2025

