

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 (542sqm).
(Retrospective).

LOCATION: Purbeck, Croutes Havilland, St. Peter Port.

APPLICANT: Mr J Willcocks

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: 24/01/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/12/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7585-01/B1 & /B2A.

Application Ref: FULL/2024/2004

Property Ref: A409380000

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 landscaping scheme hereby approved shall be fully completed 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 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 ensure that the biodiversity enhancement planting scheme is carried out in a suitable timeframe in order to accord with the Strategy for Nature supplementary planning guidance given the retrospective nature of the application.

3. The trellis fence hereby approved shall be installed above the existing fence along the south boundary of the approved extension of curtilage within 2 months of the date of this decision.

Reason - To ensure that the works are carried out in a reasonable timeframe to protect the amenities of neighbouring residents, given the retrospective nature of the application.

Expiry Date: This permission will cease to have effect on 24/01/2028 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/2024/2004
Property Ref: A409380000
Valid date: 05/12/2024
Location: Purbeck Croutes Havilland St. Peter Port Guernsey GY1 1EX
Proposal: Change of use of agricultural land to domestic garden (542sqm). (Retrospective).

Applicant: Mr J Willcocks

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 landscaping scheme hereby approved shall be fully completed 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 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 ensure that the biodiversity enhancement planting scheme is carried out in a suitable timeframe in order to accord with the Strategy for Nature supplementary planning guidance given the retrospective nature of the application.

3. The trellis fence hereby approved shall be installed above the existing fence along the south boundary of the approved extension of curtilage within 2 months of the date of this decision.

Reason - To ensure that the works are carried out in a reasonable timeframe to protect the amenities of neighbouring residents, given the retrospective nature of the application.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached property situated on a corner plot between Fort Road and Croutes Havilland. The house is located towards the western side of the plot, with agricultural land located to the east. The agricultural land is bounded by hedging to the north and east and features a substation to the north.

Surrounding the site the area comprises residential properties to the north of Croutes Havilland, and south and west of the application site. The site is situated Outside of the Centres as designated in the Island Development Plan.

Retrospective permission is sought to change the use of agricultural land to the east of the dwelling to garden. The land equates to 542sqm and features domestic paraphernalia.

The application was deferred as some concerns were raised in respect of the interface between the neighbour's property and the proposed area of garden. In response, the agent has included a trellis fence above the existing fence, up to 1.8m high, in an attempt to overcome the concerns raised.

Relevant History:

PAPP/1999/4567	Install a substation on land	Granted
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Existing Use(s):

Agriculture

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

☒
☒
☒
☒

visual amenity acceptable
no material neighbour impact
traffic not affected

☒
☒
☒

Consultation:

None.

Policies considered most relevant:

GP1 Landscape Character and Open Land

GP15 Creation and Extension of Curtilage

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

Strategy for Nature (2020) – Supplementary Planning Guidance.

Conclusion/Brief comment:

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.

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 proposed extension of domestic garden is located to the east of the dwelling.

Whilst the site is highly visible in the street scene, the site is surrounded by residential development to the north, south and west. The agricultural land is also bounded by mature landscaping, and would not provide sufficient amenity grounds, such as serving as a visual break or ‘breathing space’ in the built environment, to reasonably justify refusal. The land does not positively contribute to the openness of the wider area to retain as agricultural land in this particular circumstance.

Due consideration has been given to omitting some of the exemption rights to the applicant, however given that the majority of the exemptions that may cause harm to the landscape character and amenity, such as a new outbuilding, garage or fencing, would automatically require planning permission under the exemptions given its relationship to the highways to the north and east. Moreover, any new fencing or walls would be restricted to 900mm high for the same reason. In light of this, it would not be considered necessary or reasonable to remove the exemption rights in this case.

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

The application is not proposing to remove any established boundary treatments, apart from between the dwelling and the proposed extension of curtilage. The removal of the hedge in question would not have a material adverse effect.

The application has taken into account the Strategy for Nature (2020) by incorporating a landscaping scheme, including a new hedgerow and other planting along the south boundary, and 4 new trees towards the north-east corner of the site. The new hedgerow along the south boundary is considered to have a neutral effect when taking into account the hedgerow to be removed as discussed above. The new trees to the north-east of the site are considered to have a satisfactory bio-diversity improvement to the land when taking into account the size of the land parcel, and the existing hedging which forms the north and east boundary of the proposed extension of curtilage. Other bio-diversity measures have also been included as part of the application.

The proposed trellis fence along the south boundary will not obscure all views towards neighbouring residents and therefore some reservations remain over the impact over the loss of privacy. However, when taking into account that; the trellis fence will diminish the feeling of being overlooked, a new hedgerow is to be planted along the south boundary which will in time help to improve the relationship between the two properties at ground floor level, the neighbouring property to the south overlooks the proposed extension of garden at first floor level, and that no representations have been received from the neighbouring property as part of this application, all lead to the conclusion that the impact will not be significant to justify refusal.

The proposed fence should be conditioned appropriately.

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.

Recommendation:

Grant with Conditions



Date: 23/01/25

