

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 (850sqm), erect outbuilding/ancillary accommodation to north boundary and erect glasshouse to east of site.

LOCATION: Brise De Mer, Route De La Lague, St. Pierre Du Bois.

APPLICANT: Ms T Sullivan

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: 02/05/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/02/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Direct Architectural Solutions Limited - 1456-SK-01A, 02.

Application Ref: FULL/2025/0235

Property Ref: F01120A000

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.No landscaping shall be undertaken until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iii) defined areas, preparation, planting and management of grassed areas; and
- iiii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to ensure biodiversity enhancements in accordance with the Strategy for Nature.

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, by 31 March 2026, 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 make sure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings and to ensure biodiversity enhancements in accordance with the Strategy for Nature.

6.The windows hereby approved to the north elevation of the approved outbuilding shall have a minimum cill height of 1.7m above finished floor level and shall be fixed shut. No changes shall be made to those windows nor shall any additional windows be inserted in this elevation.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

Expiry Date: This permission will cease to have effect on 01/05/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the erection of an outbuilding to be used as an integral part of and incidental to the principal dwelling presently known as Brise de Mer. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

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/2025/0235
Property Ref: F01120A000
Valid date: 19/02/2025
Location: Brise De Mer Route De La Lague St. Pierre Du Bois Guernsey
GY7 9BX
Proposal: Change of use of agricultural land to domestic garden
(850sqm), erect outbuilding/ancillary accommodation to
north boundary and erect glasshouse to east of site.
Applicant: Ms T Sullivan

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. No landscaping shall be undertaken until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iii) defined areas, preparation, planting and management of grassed areas; and
- iiii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to ensure biodiversity enhancements in accordance with the Strategy for Nature.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, by 31 March 2026, 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 make sure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings and to ensure biodiversity enhancements in accordance with the Strategy for Nature.

6. The windows hereby approved to the north elevation of the approved outbuilding shall have a minimum cill height of 1.7m above finished floor level and shall be fixed shut. No changes shall be made to those windows nor shall any additional windows be inserted in this elevation.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

INFORMATIVES

For the avoidance of doubt, this decision permits the erection of an outbuilding to be used as an integral part of and incidental to the principal dwelling presently known as Brise de Mer. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

OFFICER'S REPORT

Brief Description of the site:

The application site relates to an existing dwellinghouse, known as Brise De Mer, and the adjacent agricultural land located to the east of that dwelling. The site forms part of the run of residential development located along the east side of Route de la Lague, facing over that road towards the sea. To the east the site bounds undeveloped scrub land.

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

Relevant History:

Kiyomizu (F.1122) – To north-east of site

FULL/2020/1945 Change of use of agricultural land to domestic curtilage (whole of cadastre parcel), demolish existing greenhouse and erect greenhouse to east (rear) boundary. Approved 07/01/2021

Tumbledown (F.1123) – Next property to north-east of site

FULL/2020/1945 Change of use of agricultural land to domestic curtilage (whole of cadastre parcel), demolish existing greenhouse and erect greenhouse to east (rear) boundary. Approved 07/01/2021

Les Jardins (F.1120) – To south-west of site

FULL/2020/1774 Change of use of agricultural land to domestic garden (extending 78m back from roadside, retaining rear of site as agricultural). Approved 29/01/2021

Existing Use(s):

Residential Use Class 1

Agricultural Use Class 28

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:

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

GP1 Landscape Character and Open Land

GP8 Design

GP9 Sustainable Development

GP13 Householder Development

GP15 Creation and Extension of Curtilage

Strategy for Nature

Representation:

La Societe remains concerned over the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan currently permits the consideration of such applications, we seek to optimize ecological gains in such cases wherever possible.

We note that whilst the application mentions biodiversity measures in principle, which we welcome, it does not provide sufficient details to ensure there is a net ecological gain, as required under the Strategy for Nature. It also makes reference to species not found in Guernsey, for example, toads.

Conclusion/Brief comment:

Permission is requested to change the use of the agricultural land located to the rear of the dwellinghouse, measuring approximately 850sqm, to domestic land for use in association with that dwelling. It is then proposed to erect a 10m x 5.6m outbuilding to the western end of the extended curtilage, for use as a dower unit, and a glasshouse to the eastern end of that curtilage.

Change of use to domestic land

Policy OC5(B) supports development which would result in the loss of agricultural land where the proposed new use accords with all other relevant policies.

The land in question is located to the rear of the dwellinghouse, and is largely screened from the coast road by the development along the east side of that road. Permission has previously been granted for a change of use of the land to the rear of the two properties to the north, and for the majority of the land to the rear of the property to the south, and the land which forms the subject of this application is therefore located between residential curtilages and does not project into open land. The proposed change of use would not impact significantly on openness or landscaping character.

The site is not located within or adjacent to an Agriculture Priority Area or an Area of Biodiversity Importance and no boundary features are to be removed.

The proposed use of the land would be for domestic purposes, mirroring the use of the adjacent properties and would have no adverse effects on neighbouring residents.

In respect of the Strategy for Nature, as initially submitted the application did not include sufficient information. The revised plans indicate planting of hedging along the length of the north boundary (that to the south being existing), the creation of areas of trees/shrubs, the planting of fruit trees and sensitive management of areas of grassland. Subject to provision of a detailed landscaping scheme, which can be required by condition, these proposals would be sufficient to address the Strategy for Nature.

The change of use is only acceptable on the basis that the biodiversity enhancements are undertaken, and it is therefore necessary to require the implementation of the approved landscaping scheme. In respect of the change of use of agricultural land to domestic use, the change of use is considered implemented at the point of decision and it is therefore necessary to require the landscaping to be undertaken within the next planting season, i.e. by the 31 March 2026. In some instances it may not be practical to undertake landscaping in advance of any physical development forming part of the same approval, however this is not considered to be the case in respect of this application and it is therefore considered reasonable to require the planting to be undertaken by 31 March 2026. If there is reasonable justification for an alternative timeframe, the condition can be worded to allow for consideration of such an amended timeframe. Given that the permission is already considered implemented at the point of decision, and there is no guarantee that the physical development will be carried out, it is not possible to relate the timeframe for implementation of the landscaping to the completion of that physical development.

In the context of this site there is no requirement to remove exemption rights.

Erection of an outbuilding and glasshouse

The proposed outbuilding would be discretely located in respect of existing built form and would be of negligible impact in the wider character of the area.

Following deferral, confirmation has been provided that the ancillary living unit is to provide for additional family living, and that amenity spaces and utility supplies would be shared. These matters, together with the location of the unit on the site and position relative to the main dwelling, ensure that the unit would remain ancillary to the main dwelling.

The proposed outbuilding may result in some overshadowing of the adjacent property to the north, however given the low profile of the building, the position relative to the key spaces on the adjacent property and the size of that property, any such impact would not be significant. Windows are proposed in the north elevation, immediately on the boundary, however those windows are to be high level. Subject to a condition restricting the cill height of those windows and ensuring they are fixed shut, there would be no overlooking of the adjacent property.

The proposed glasshouse would be similar to approved development on adjoining sites and would not give rise to any adverse impacts.

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.

Recommendation:

Grant with Conditions



Date: 30/04/2025