

**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 (41sqm) and erect earth bank.

**LOCATION:** Le Pulias, Route De Pulias, St. Sampson.

**APPLICANT:** Mr A Ayres

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:** 28/09/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/04/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** ArcTech Freelance Architecture: AA-23-1119-01A.

**Application Ref:** FULL/2023/0811

**Property Ref:** B019740000

**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 glasshouse at this site and all ancillary horticultural structures and remnants, including any concrete footings/foundations, as shown on drawing no. AA-23-1119-01A, shall be removed from the site in its entirety by the 1st March 2024.

Reason - To ensure the glasshouse and all ancillary horticultural structures and remnants are cleared within a reasonable timeframe to accord with Policy OC7 (Redundant Glasshouse Sites) and to improve the landscape character and quality of the land.

4.Notwithstanding the information shown on the approved plans, full details of the biodiversity landscaping scheme (as described on drawing AA-23-1119-01A), including full details of the construction of the earth bank and hedge planting schedules (noting the species, sizes, numbers and densities of plants) shall be submitted to the Development & Planning Authority by 31st December 2023.

Reason - To ensure that the planting scheme details are submitted to the Authority within a reasonable timeframe to accord with the Strategy for Nature supplementary planning guidance.

5.The landscaping scheme (including the earth bank and hedge planting) shall be fully completed, in accordance with the details agreed under the terms of the condition above, by the end of the planting season (1st March 2024). Any plants removed, dying, being severely damaged or becoming seriously diseased, 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 supplementary planning guidance.

**Expiry Date: This permission will cease to have effect on 27/09/2026 unless development is commenced by that date.**

**ADVICE AND OTHER REMARKS:-**

Please be aware of the Supplementary Planning Guidance note: Strategy for Nature, 2020 which can be found at [www.gov.gg/planningpolicy](http://www.gov.gg/planningpolicy). In line with this guidance, The Development & Planning Authority would encourage you to consider enhancing the biodiversity of the application site (in addition to the biodiversity gains as conditioned above), for instance through the planting of trees, introduction of animal habitats etc.

For the avoidance of doubt, the applicant and any future homeowner is advised that

the change of use from agricultural land to domestic garden hereby permitted includes all of the land outlined in red on the 'proposed block plan' (drawing no. AA-23-1119-01A).

**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](http://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](mailto: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/2023/0811  
**Property Ref:** B019740000  
**Valid date:** 24/04/2023  
**Location:** Le Pulias Route De Pulias St. Sampson Guernsey GY2 4TE  
**Proposal:** Change of use of agricultural land to domestic garden (41sqm) and erect earth bank.  
  
**Applicant:** Mr A Ayres

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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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 glasshouse at this site and all ancillary horticultural structures and remnants, including any concrete footings/foundations, as shown on drawing no. AA-23-1119-01A, shall be removed from the site in its entirety by the 1st March 2024.

Reason - To ensure the glasshouse and all ancillary horticultural structures and remnants are cleared within a reasonable timeframe to accord with Policy OC7 (Redundant Glasshouse Sites) and to improve the landscape character and quality of the land.

4. Notwithstanding the information shown on the approved plans, full details of the biodiversity landscaping scheme (as described on drawing AA-23-1119-01A), including full details of the construction of the earth bank and hedge planting schedules (noting the species, sizes, numbers and densities of plants) shall be submitted to the Development & Planning Authority by 31st December 2023.

Reason - To ensure that the planting scheme details are submitted to the Authority

within a reasonable timeframe to accord with the Strategy for Nature supplementary planning guidance.

5. The landscaping scheme (including the earth bank and hedge planting) shall be fully completed, in accordance with the details agreed under the terms of the condition above, by the end of the planting season (1st March 2024). Any plants removed, dying, being severely damaged or becoming seriously diseased, 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 supplementary planning guidance.

## **INFORMATIVES**

Please be aware of the Supplementary Planning Guidance note: Strategy for Nature, 2020 which can be found at [www.gov.gg/planningpolicy](http://www.gov.gg/planningpolicy). In line with this guidance, The Development & Planning Authority would encourage you to consider enhancing the biodiversity of the application site (in addition to the biodiversity gains as conditioned above), for instance through the planting of trees, introduction of animal habitats etc.

For the avoidance of doubt, the applicant and any future homeowner is advised that the change of use from agricultural land to domestic garden hereby permitted includes all of the land outlined in red on the 'proposed block plan' (drawing no. AA-23-1119-01A).

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## **OFFICER'S REPORT**

### **Brief Description of the site:**

The application site, known as 'Le Pulias' comprises a 1.5 storey granite cottage, and is located south of Route De Pulias. The property is situated Outside of the Centres as defined in the Island Development Plan (IDP).

The property is served by a large parcel of land to the rear, located to the south, south-west, and west of the house, however the domestic curtilage is limited to the area immediately to the west and north of the building.

Planning permission was refused in 2021 to retrospectively change the use of the agricultural land to domestic garden (3,239sqm). At that time, it was perceived that the parcel of land to the rear of the property was used as domestic curtilage

associated with the property, however in planning terms this has never been authorised and therefore the land is recognised as agricultural land.

The majority of the former glasshouses at the site were cleared sometime between 2009 and 2013 based on orthophotographs. A small section of the former glasshouse however remains in situ and the site is therefore regarded as a redundant glasshouse site. The adjoining site to the west of Le Pulias comprises large spans of redundant glasshouses.

This application seeks to reapply for a change of use of agricultural land to domestic garden, but for a much smaller area equating to approximately 40sqm. A new hedgebank is to be constructed in order to demarcate between the the proposed domestic curtilage and the agricultural land to the rear.

Children's play equipment is located to the south-east of the site, located on agricultural land.

The application was deferred over the principle of the development which would conflict with Policy OC7 as the existing glasshouse was to be retained as part of the proposed development. The retention of the glasshouse formed part of the previous reasons for refusal. It was also noted that the children's play equipment on agricultural land should be removed.

In response, the agent has confirmed on the drawings submitted that the glasshouse is to be removed, together with the children's play equipment. Further details of the proposed landscaping scheme have also been provided.

**Relevant History:**

|                |                                                                                                                                                                                                                                                                                                          |         |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| FULL/2020/2560 | Change of use of agricultural land to domestic garden (3,239sqm) (retrospective).                                                                                                                                                                                                                        | Refused |
| FULL/2014/3496 | Demolish existing water tower and extension, extend and alter dwelling and install three dormer windows to front and two dormer windows to rear (revised) - Demolish existing workshop and erect double garage and porch on south-east elevation and reinstate vinehouse on north elevation of property. | Granted |
| FULL/2013/0722 | Demolish existing water tower and extension and extend and alter dwelling on south west elevation. Install three dormer windows to front and two dormer windows to rear.                                                                                                                                 | Granted |

|                                         |                                                                                                |         |
|-----------------------------------------|------------------------------------------------------------------------------------------------|---------|
| FULL/2016/2878<br>B01975A000+B01975C000 | Change of Use of land from Agricultural (Use Class 28) to Storage/Distribution (Use Class 22). | Refused |
|-----------------------------------------|------------------------------------------------------------------------------------------------|---------|

**Existing Use(s):**

Le Pulias (Dwelling-house) – Residential Use Class 1.  
Agricultural land to the rear of Le Pulias (former vinery site) - Agricultural use class 28.

**Assessment:** *(Tick as appropriate)*

|                     |                                     |                              |                                     |
|---------------------|-------------------------------------|------------------------------|-------------------------------------|
| no representation   | <input checked="" type="checkbox"/> | visual amenity acceptable    | <input checked="" type="checkbox"/> |
| accords with policy | <input checked="" type="checkbox"/> | no material neighbour impact | <input checked="" type="checkbox"/> |
| within curtilage    | <input checked="" type="checkbox"/> | traffic not affected         | <input checked="" type="checkbox"/> |
| design acceptable   | <input checked="" type="checkbox"/> |                              |                                     |

**Policies considered most relevant:**

|        |                                                                             |
|--------|-----------------------------------------------------------------------------|
| OC5(B) | Agriculture Outside of the Centres – outside the Agriculture Priority Areas |
| OC7    | Redundant Glasshouse Sites Outside of the Centres                           |
| GP1    | Landscape Character and Open Land                                           |
| GP15   | Creation and Extension of Curtilage                                         |

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 and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

Policy OC7 applies to redundant glasshouse sites Outside of the Centres and sets out the presumption that when a horticultural use ceases and the site is no longer required or capable of being used (i.e. is redundant), it will be cleared of all glasshouses and ancillary structures and returned to agricultural use.

As an amendment to the previous planning application (FULL/2020/2560), the agent has confirmed that the glasshouse to the south-west of the site will be removed in its entirety, and therefore the proposal would now align with the direction of Policy OC7, which seeks to clear all glasshouses and ancillary structure with the land returning to agricultural use. It is however necessary and reasonable to attach a planning condition to ensure that the glasshouse (including the footings/foundations) are removed by the end of the next planting season (1<sup>st</sup> March 2024), given that it would be expected that the agreed landscaping details are

implemented by such time. In this case, given the size and scale of the former commercial glasshouse, it would not be appropriate to retain for other uses.

With regards to the remaining criteria of Policy OC7; the site is located outside of an Agriculture Priority Area, the proposed development is not for industry or storage and distribution use, the change of use of land is assessed under Policy GP15 and GP1 below, the proposal does not relate to infrastructure development, nor does it relate to a redundant building, or visitor accommodation or recreational uses, therefore complying respectively with criterion 'a,c,d,e,f,g, and h'. Criterion i, ii, iii, iv, v, and vi of Policy OC7 have also been taken into account, and where applicable are addressed below.

With regards to criterion 'b' of Policy OC7, the site does positively contribute to a wider area of open land from a visual and spatial perspective. The proposal would however achieve benefits to the openness of the land through the removal of the glasshouse and the consolidation of the curtilage away from the public highway. The proposed change of use would only result in the loss of a small area of agricultural land, which in itself is not recognised as being 'good' agricultural soil as defined in the Agricultural Land Classification Map. Furthermore, the size of the area of agricultural land to be retained as part of this development would not undermine its potential use for commercial agriculture on its own, or in combination with adjoining fields, should there be a desire to use the land in this way in the future. This potential trade-off between allowing a small area of agricultural land (located within a redundant glasshouse site) to be incorporated into the curtilage of a building, could be acceptable, where there are benefits to the openness of the land, as indicated in paragraph 17.5.8 of Policy OC7:

*“Allowing the change of use of redundant glasshouse land so as to allow the incorporation of the land into the curtilage of a building may be acceptable where the land is not suitable for agricultural use due to size or access constraints or its isolated nature in terms of surrounding land use or where its use as such would have adverse environmental impacts. This is one option where it may be possible to secure enhancement by encouraging removal of the redundant glass and restoration of the open nature of the land (see Policy GP15: Creation and Extension of Curtilage).”*

Consequently, the benefits of the proposal to the openness of the land and its relationship to the wider area by virtue of the removal of a redundant glasshouse, outweigh the harm of the limited loss of agricultural land to residential use, and therefore is compliant with criterion 'b' of Policy OC7.

With regards to Policies OC5(B), GP1, GP15, the proposed extent of domestic curtilage is significantly less than the former application, which sought a change of use for the whole site, where under the current application the proposed curtilage extends 8.5m from the rear (south-west) elevation, and 4.5m from the side (south-east) elevation of the dwelling. An area of existing domestic curtilage to the north of the property is also to be changed from domestic curtilage to agriculture, to partially

offset the loss of agricultural land being gained to the side and rear of the property and consolidating the proposed curtilage away from the road.

Whilst the proposed increase in domestic curtilage to the side and rear of the property may have a slight negative effect on the openness of the land from a visual and spatial perspective as discussed above, the degree of harm is considered acceptable when weighing up the limited scale of the proposals and the reasonable expectations of the landowner (Policy GP15).

In this context, a reasonable balance is struck between protecting open land and the reasonable expectations of land owners by virtue of; the extent and position of additional/amended domestic curtilage, the improvement to landscape character and visual access to open land as a result of the removal of the last remaining span of glass, and the biodiversity enhancements through the construction of an earth bank with native planting on top. The provision of biodiversity enhancements can be managed by planning condition to ensure that full details are agreed and thereafter implemented.

An acceptable access will remain between agricultural land and the domestic curtilage therefore the agricultural land will not become isolated, or segregated, as a result of the development.

In addition, the site is not within an Area of Biodiversity Importance, a Site of Special Significance, would not involve the loss of established boundary features, or adversely affect the amenities of neighbouring residents.

In this case, the extension of curtilage proposed is considered reasonable and would not have an unacceptable detrimental impact on the landscape character or openness (Policy GP15) nor would it result in the unnecessary loss of open and undeveloped land (Policy GP1). The application would also take into account the Strategy for Nature (2020) Supplementary Planning Guidance by the incorporation of a hedgebank that will demarcate the proposed domestic curtilage, whilst enhancing biodiversity.

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:** 25/09/23

