

**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 from agricultural land to domestic garden (4,740 sqm)  
(Revised Scheme).

**LOCATION:** Westwood, Rue Au Cammus, St. Martin.

**APPLICANT:** Dr & Mrs Barker

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:** 11/09/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/05/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Site Location Plan, Block Layout Plan, Drawing titled Application No 3 Westwood, Biodiversity Statement dated April 2024 and Application letter dated 10/07/2024.

**Application Ref:** FULL/2024/0752

**Property Ref:** J01078A000 + J010810000

**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.(i) The change of use of the land hereby approved shall not be implemented until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress;

c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

4.The landscaping and land management scheme shall be fully completed, in accordance with the Biodiversity Statement dated April 2024, the drawing titled Application No 3 Westwood and the application letter dated 10/07/2024, in the first planting season following the discharge of condition 3. 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 - In the interests of biodiversity.

5.Within 3 months of the discharge of condition 3, details of the method of construction and height of the dead hedge fencing along the west and east boundaries and details of the gate along the west boundary shall be submitted to and agreed in writing by the Authority and the agreed scheme shall be fully completed.

Reason - To ensure the boundaries of the enlarged curtilage respect or enhance the landscape character of the area.

**Expiry Date: This permission will cease to have effect on 11/09/2027 unless development is commenced by that date.**

#### **ADVICE AND OTHER REMARKS:-**

With reference to condition 3 a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

#### **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/2024/0752  
**Property Ref:** J01078A000 + J010810000  
**Valid date:** 02/05/2024  
**Location:** Westwood Rue Au Cammus St. Martin Guernsey GY4 6JR  
**Proposal:** Change of use from agricultural land to domestic garden (4,740 sqm) (Revised Scheme).  
  
**Applicant:** Dr & Mrs Barker

**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. (i) The change of use of the land hereby approved shall not be implemented until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

4. The landscaping and land management scheme shall be fully completed, in accordance with the Biodiversity Statement dated April 2024, the drawing titled Application No 3 Westwood and the application letter dated 10/07/2024, in the first planting season following the discharge of condition 3. 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 - In the interests of biodiversity.

5. Within 3 months of the discharge of condition 3, details of the method of construction and height of the dead hedge fencing along the west and east boundaries and details of the gate along the west boundary shall be submitted to and agreed in writing by the Authority and the agreed scheme shall be fully completed.

Reason - To ensure the boundaries of the enlarged curtilage respect or enhance the landscape character of the area.

## **INFORMATIVES**

With reference to condition 3 a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

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## **OFFICER'S REPORT**

### **Site Description:**

The site consists of a detached dwelling and associated domestic land and an extensive area of agricultural/undeveloped land to the north and south of the dwelling comprising of a mix of open grassed fields and woodland and measuring approximately 18,900sqm. The site is located Outside of the Centres.

### **Relevant History:**

08/11/2023 – FULL/2023/0924 – Application refused for the change of use from agricultural land to domestic garden (4,740sqm).

13/06/2022 – FULL/2022/0951 – Permission granted to demolish porch, west chimney and external staircase, erect external staircase and balcony to south (rear) elevation. Install external insulating render system, cladding and alterations to fenestration.

### **Existing Use(s):**

Agricultural use class 28  
Residential use class 1

**Brief Description of Development:**

Planning permission is requested to change the use of a parcel of agricultural/undeveloped land measuring approximately 4,740sqm to domestic land associated with the dwelling Westwood.

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

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

Policy GP1: Landscape Character and Open Land

Policy GP15: Creation and Extension of Curtilage

**Representations:**

None

**Consultations:**

Agriculture, Countryside and Land Management Services, 23/05/2024

Advise that the proposal “includes a biodiversity statement with recommendations for enhancement, but does not appear to include a landscaping scheme or similar which describes what will be undertaken on the site and which recommendations will be implemented”.

It is recommended that confirmation is provided “that the recommendations within the Biodiversity Statement will be implemented, and confirmation that no additional clearance will be undertaken”.

The Office of Environmental Health and Pollution, 05/06/2024

“I have reviewed the proposed plans for agricultural land to be converted to domestic land at the above mentioned address which were received by email on 14<sup>th</sup> May 2024 and I recommend the following condition.

Please note this is one condition with multiple sub-sections:

(i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

- (a) as built drawings of the implemented scheme;
- (b) photographs of the remediation works in progress;
- (c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition.

I would be grateful if these issues are considered during the determination of this application”.

#### **Summary of Issues:**

The main issues in deciding this application relate to the principle of the change of use of the land, the impact on the landscape character and openness of the area and whether the proposal would result in biodiversity enhancements.

#### **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).**

Planning permission was refused in November 2023 to change the use of an area of land measuring 4,740 sqm to domestic land (FULL/2023/0924). The previous application was refused as it had not been demonstrated that the proposed change of use would result in proportionate enhancements to biodiversity. This current application relates to the same area of land as proposed under application FULL/2023/0924. The application is supported by further information including a Biodiversity Statement which sets out details of proposed planting and land management measures to be undertaken.

The proposal to change the use of the land to a domestic use falls to be considered principally under Policies OC5(B), GP15 and GP1 of the Island Development Plan.

The site is not within an Area of Biodiversity Importance or an Agriculture Priority Area, no existing boundaries are proposed to be removed and the use of the land for domestic purposes is unlikely to have any significant adverse effects on neighbouring residents.

The site is located within the South Eastern Plateau landscape character area as identified in Annex V of the Island Development Plan. The general character of the South Eastern Plateau is described as being *“of established development interspersed with open fields and large mature gardens, all with a complementary cover of garden, hedgerow and roadside trees. Ribbon development has an impact in some areas, although the overall character of much of the area remains intrinsically rural”*.

The land the subject of this application forms part of a larger area of agricultural/ undeveloped land which extends to the west and south and provides a break between development around Saints Road to the east and Rue Des Marettes to the west. By virtue of the well-established vegetation along the north and east boundaries of the site, the land the subject of this application is not currently visually prominent from the public footpath Rue Au Cammu. In addition, due to its relationship with the existing dwelling to the south-east and neighbouring properties to the north and east, the land the subject of this application could be argued to appear relatively well associated with existing built development, as opposed to forming a significant part of the larger area of agricultural/ undeveloped land to the west and south. Provided that the open and undeveloped nature of the land is retained, the change of use of the land would result in a large mature garden which would not be out of character with the general landscape character of the South Eastern Plateau and the proposal is unlikely to have a significant adverse effect on the landscape character of the area, in accordance with Policies GP15 and GP1.

The installation of dead hedge fencing or an earth bank along sections of the west boundary could provide a suitable boundary treatment. Details of the construction and height of the dead hedge fencing or earth bank, together with the proposed gate will be required, this can be dealt with by condition. From a planning perspective no changes are necessary to the east boundary along Rue Au Cammu, however, small sections of dead hedge fencing of limited height and of an informal appearance along the east boundary are unlikely to raise significant concerns. If dead hedge

fencing is to be installed along the east boundary details will be required, this can be dealt with by condition.

The submitted Biodiversity Statement, plans and the applicant's letter dated 10/07/2024 sets out a series of measures, management techniques and some additional planting to be undertaken. The details submitted are sufficient to provide proportionate biodiversity enhancements, although it is noted that grass cuttings should be removed from area Q as set out in the Biodiversity Statement.

To address issues regarding the potential for contaminated land, the Office of Environmental Health and Pollution Regulation recommend a condition to undertake and provide details of further site studies and if necessary site investigations and remedial works.

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.

It is recommended that the application is approved.

**Date:** 09/09/2024