

**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 (327 sq.m.).

**LOCATION:** The Patch, Rue De La Corderie, Vale.

**APPLICANT:** Mr J Yeaton & Mrs J Hutton

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:** 25/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/05/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Jason Hobbs Architectural Services - 6452/B/1a

**Application Ref:** FULL/2024/0848

**Property Ref:** C001380000+C00138B000

**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. Prior to the 31st December 2024, full details of tree and hedge planting including planting schedules, confirming the species of the trees and the sizes, numbers and densities of all planting, shall be submitted to and agreed in writing by the Authority.

Reason - To ensure that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

4. The landscaping shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the date of this decision, by 31st March 2025. 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 development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

**Expiry Date: This permission will cease to have effect on 25/06/2027 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](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/2024/0848  
**Property Ref:** C001380000+C00138B000  
**Valid date:** 13/05/2024  
**Location:** The Patch Rue De La Corderie Vale Guernsey GY3 5BR  
**Proposal:** Change of use of agricultural land to domestic garden (327 sq.m.).  
  
**Applicant:** Mr J Yeaton & Mrs J Hutton

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

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Reason - To ensure that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

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## **OFFICER'S REPORT**

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

The application site relates to an existing dwellinghouse, known as The Patch, and adjacent agricultural land located at a slightly higher level to the south-east. The site is bounded by La Rue de la Corderie to the north-east and Rocque es Cas to the south-east. Residential properties are located to the west and across the road to the north-east.

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

### **Relevant History:**

None.

### **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 the Agriculture Priority Areas

GP1 Landscape Character and Open Land

GP15 Creation and Extension of Curtilage

Strategy for Nature

**Representations:**

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 acknowledge that the proposed extension is of a relatively small extent. However we would point out that the application does not include any specific biodiversity measures as required by the Planning Service.

**Conclusion/Brief comment:**

Permission is requested to change the use of 327sqm of agricultural land located to the side (south-east) of the dwellinghouse to domestic land for use in association with that dwelling.

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 application site is bounded by small lanes to the south-east and north-east and is separated from those roads by dry stone walls. Views are available over those walls across the site from the lanes immediately adjacent to the site, however the road layout and nature of surrounding boundary treatments prevents long views of the site. Whilst there is open land on the opposite side of the road to the south, the roadside boundary is substantial and prevents views of that land. The north side of the lane is characterised by domestic development, and the area is characterised by that development and the enclosure to the south, rather than any feeling of openness. In this context, the proposed change of use of a relatively small parcel of land would not have a significant impact on landscape character or openness.

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, and, taking into account the proposed use and the relationship to surrounding residential property, the proposal would have no adverse effects on neighbouring residents.

In respect of the Strategy for Nature, the submitted plans initially indicated the provision of additional planting around the roadside boundaries and three new trees at the south-west end of the land. No details were however provided of this planting and the application was deferred for further information. The revised plans confirm hedge planting of appropriate species along the roadside (south-east and north-east boundaries) and 3no fruit trees to the south-west of the site. Taking into account the limited size of the land, it is considered this planting would address the requirements of the Strategy for Nature. To ensure this is the case it is however recommended that full details and implementation of the proposed planting is required by condition.

In the context of this site there is no requirement to remove exemption rights. It is noted that there is a small structure in the south-east corner of the site, and a shed at the western end of the land, there is no evidence of consent for these structures however they appear to have been present on the site for in excess of four years and no action could be taken.

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:** 24/06/2024



