

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: Convert, extend and alter building to create a dwelling and associated works.

LOCATION: Jabula Nursery, Les Osmonds Lane, La Route Des Capelles, St. Sampson.

APPLICANT: Mr & Mrs Robert

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: 09/09/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 7470-01 B2A, B3A, B4 & B5

Application Ref: FULL/2024/1882

Property Ref: B011680000

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.(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

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

5.No development shall commence on site (including demolition and site works, excluding any investigation and remedial works required under Condition 4 above) until engineering details of the proposed culvert have been submitted to and agreed in writing by the Authority, and the proposed culvert has been installed in accordance with those details.

Reason - The information provided with the application does not include full details of the proposed culvert. This condition is imposed to make sure that the culvert is designed to adequately manage water flow at the site, and to ensure no water pollution or other incidents occur during construction.

6.No development shall commence on site (excluding demolition and site works) until full details of the parking area, including provision for turning within the domestic curtilage, have been submitted to and approved in writing by the Authority. The parking and turning shall thereafter be implemented in accordance with the approved details and prior to the first occupation of any part of the development or completion of development whichever is the sooner.

Reason - To make sure vehicles can enter and leave the site in a forward direction, in the interests of road safety and effective traffic management.

7.The approved EV charge points shall be installed and made operational prior to the first occupation of any part of the development or completion of development whichever is the sooner.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

8.Prior to commencement of any landscaping works, full details of the proposed creation of the areas of rewilding shall be submitted to and agreed in writing by the Authority.

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

9.The landscaping scheme shall be fully completed, in accordance with the details provided in respect of the above condition and shown on approved Drawing No 7470-01-B2/A, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority, and prior to any part of the application site as shown on the approved plans being sold independently to any other part of that site. 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 that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

10.If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

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

11.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no fence, wall or other means of enclosure and no hard surfacing (other than any hereby expressly permitted) shall be erected, constructed, laid or placed on any part of the site.

Reason - In view of the sensitive nature of the site, the erection of such structures as 'exempt development' may have an adverse visual impact or impact on water management. This condition is imposed to make sure that any proposals can be properly considered.

Expiry Date: This permission will cease to have effect on 08/09/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With reference to condition 4 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>.

Please note all works must be compliant with the Environmental Pollution (Water Pollution) Ordinance, 2022, to ensure any construction, demolition or breaking of ground does not pose a risk to water pollution.

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/2024/1882
Property Ref: B011680000
Valid date: 19/11/2024
Location: Jabula Nursery Les Osmonds Lane La Route Des Capelles
St. Sampson Guernsey GY2 4GG
Proposal: Convert, extend and alter building to create a dwelling and
associated works.

Applicant: Mr & Mrs Robert

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.

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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.

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(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.

5. No development shall commence on site (including demolition and site works, excluding any investigation and remedial works required under Condition 4 above) until engineering details of the proposed culvert have been submitted to and agreed in writing by the Authority, and the proposed culvert has been installed in accordance with those details.

Reason - The information provided with the application does not include full details of the proposed culvert. This condition is imposed to make sure that the culvert is designed to adequately manage water flow at the site, and to ensure no water pollution or other incidents occur during construction.

6. No development shall commence on site (excluding demolition and site works) until full details of the parking area, including provision for turning within the domestic curtilage, have been submitted to and approved in writing by the Authority. The parking and turning shall thereafter be implemented in accordance with the approved details and prior to the first occupation of any part of the development or completion of development whichever is the sooner.

Reason - To make sure vehicles can enter and leave the site in a forward direction, in the interests of road safety and effective traffic management.

7. The approved EV charge points shall be installed and made operational prior to the first occupation of any part of the development or completion of development whichever is the sooner.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

8. Prior to commencement of any landscaping works, full details of the proposed creation of the areas of rewilding shall be submitted to and agreed in writing by the Authority.

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

9. The landscaping scheme shall be fully completed, in accordance with the details provided in respect of the above condition and shown on approved Drawing No 7470-01-B2/A, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority, and prior to any part of the application site as shown on the approved plans being sold independently to any other part of that site. 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 that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

10. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

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

11. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no fence, wall or other means of enclosure and no hard surfacing (other than any hereby expressly permitted) shall be erected, constructed, laid or placed on any part of the site.

Reason - In view of the sensitive nature of the site, the erection of such structures as 'exempt development' may have an adverse visual impact or impact on water management. This condition is imposed to make sure that any proposals can be properly considered.

INFORMATIVES

With reference to condition 4 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>.

Please note all works must be compliant with the Environmental Pollution (Water Pollution) Ordinance, 2022, to ensure any construction, demolition or breaking of ground does not pose a risk to water pollution.

OFFICER'S REPORT

Site Description:

The application site comprises a parcel of agricultural land situated to the south-east and south-west of Les Osmonds Lane. That lane terminates to the east of the application site. A public footpath is located across the fields to the south and south-east of the site.

The former glasshouses at the site have been substantially removed, with only remnants of the footings and irrigation systems remaining, and that area is largely overgrown. The packing shed which forms the subject of this application is located adjacent to the south boundary, on an open grassed area, and is accessed via an earth track running the length of the east boundary.

Residential properties line the south side of Les Osmonds Lane, to the west of the application site, with agricultural land behind those properties and adjoining the west boundary of the site. Further agricultural land is located to the south of the site and on the opposite side of Les Osmonds Lane to the north-east and the land to the east is in horticultural use.

The site is situated Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

FULL/2013/2011 Change of use of south-east part of the site from agricultural land (use class 28) to Tree Surgeons Yard (use class 24, light industry) (Retrospective) Approved 09/09/2013 for a temporary period, subject to a number of conditions, including:

5. The permission granted shall be personal to the applicant and on the applicant ceasing to occupy the premises, the use for which the permission is hereby granted shall be discontinued and the current use of the premises as horticulture/agriculture shall be resumed.

Reason - The permission has been granted to the applicant on the basis of very particular circumstances and subject to such restriction can be met on site without unacceptable harm to other interests.

6. Prior to the start of the use hereby approved, all of the existing glasshouses on the application site and all ancillary materials, works and structures other than the former packing shed adjacent to the southern boundary of the site shall be demolished and removed from the site. (See plan attached showing the area of glass to be cleared for the avoidance of any doubt.)

Reason - To ensure the removal of the existing redundant glasshouses and associated works.

7. This permission is given for a limited period of five years from the date hereof, expiring on 9 September 2018, by which time the use carried out under this permission shall be discontinued, the packing shed shall be demolished and removed and the land shall be reinstated as open agricultural land to the satisfaction of the Environment Department.

Reason - To control the use of the cleared site.

FULL/2020/0684 Change of use of south-east part of the site from agricultural land (use class 28) to Tree Surgeons Yard (use class 24, light industry) (Retrospective) Approved 06/11/2020 for a temporary period, subject to a number of conditions, including:

3. The permission granted shall be personal to the applicant and on the applicant ceasing to occupy the premises, the temporary use for which the permission is hereby granted shall be discontinued and the current use of the premises as horticulture/agriculture shall be resumed.

Reason - The temporary permission has been granted to the applicant on the basis of very particular circumstances and subject to such restriction can be met on site without unacceptable harm to other interests.

4. This permission is given for a limited period of 18 months from the date hereof, expiring on 06/05/2022, by which time the temporary use carried out under this permission shall be discontinued, the packing shed shall be demolished and removed and the land shall be reinstated as open agricultural land to the satisfaction of the Authority.

Reason - A permanent grant of planning permission at this site would be contrary to planning policy and this temporary permission is granted to allow the applicant sufficient time to find an alternate site, whilst ensuring that the site it is cleared appropriately on cessation of the temporary use.

Condition 4 of that permission was varied 17/03/2025 as follows:

This permission is given for a limited period of 18 months from the date hereof, expiring on 06/05/2022, by which time the temporary use carried out under this permission shall be discontinued and the land shall be reinstated as open agricultural land to the satisfaction of the Authority.

The requirements of this condition have been discharged and the retained packing shed is lawful.

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

Permission is sought under this application to convert and extend the packing shed to the south of the site to form a one bed dwellinghouse, and to change the use of the immediate surrounding land to form domestic garden. The dwelling would be accessed via an existing track running from Les Osmonds Lane to the north along the east boundary of the site.

In support of the application the following documents have been provided:

- Structural Engineers Report, produced by T&G Structural Engineers 21/10/24, following a site visit 02/07/24;
- Justification Report;
- Sustainability Report.

Drawing from the submitted information, to facilitate the conversion the following works are proposed/required:

- Replacement of ridge plate and strengthening of roof structure through installation of additional rafters and purlins;
- Lay new slate roof over strengthened structure;
- Apply external insulation;
- Install insulation to roof and floor;
- Construct extension to form lobby & WC;
- Install 2no new windows in existing apertures;
- Install double doors in existing aperture;
- Works to the gable peaks are unclear, however it appears the eastern peak will be infilled with a solid material and the glazing in the western peak will be replaced.

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

S1	Spatial Policy
S4	Outside of the Centres
OC1	Housing Outside of the Centres
OC5(A)	Agriculture Outside of the Centres – within the Agriculture Priority Areas
GP1	Landscape Character and Open Land
GP8	Design
GP9	Sustainable Development
GP15	Creation and Extension of Curtilage
GP16(A)	Conversion of redundant buildings
GP17	Public Safety and Hazardous Development

IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking
IP9	Highway Safety, Accessibility and Capacity

Supplementary Planning Guidance:
 Parking Standards and Traffic Impact Assessment
 Strategy for Nature

Representations:

None received.

Consultations:

Guernsey Water comment as follows:

The principles outlined in the structural engineer's report are acceptable. Page 9, item 3.1/2 appears satisfactory in principle; however, GW would like to see a more detailed engineering proposal at the construction stage.

The Office for Environmental Health and Pollution Regulation comments as follows:

I have reviewed the proposed plans for Jabula Nursey which were received by email on 20th March 2025 and there are a number of issues of concern that I must raise. After reviewing the historic records I can see there were heated greenhouses on the site, as such I would have concerns for hydrocarbon contamination. I would also have concerns for contamination caused by the horticultural/agricultural use of these greenhouses, specifically but not limited to pesticides and heavy metals. Therefore, I believe a full contaminated land condition should be applied to this application. Especially considering the introduction of fruit tree to the land parcel as these may bio-accumulate contaminants for human consumption.

I can see there is a water course running directly through the property and in close proximity to the development. As such, I would like to draw the applicants attention to the Environmental Pollution (Water Pollution) Ordinance, 2022 to ensure any construction, demolition or breaking of ground complies with this ordinance and does not pose a risk of water pollution.

Potential Land Contamination:

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”

Informatives/Advice Notes

With reference to condition X 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>.

Discovery Strategy

- If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Summary of Issues:

Whether the building is:

- lawful;
- redundant;
- of sound and substantial construction;
- capable of conversion without extensive alteration, rebuilding or extension;

Whether the proposal would have any impacts in respect of:

- Landscape character and openness;
- The Agriculture Priority Area;
- Biodiversity;
- Neighbour amenity;
- Road safety;
- Water courses and drainage.

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).**

Policy context and the principle of residential development

The Spatial Policy of the Island Development Plan (IDP), expressed through Policy S1 (Spatial Policy), is to, *“concentrate the majority of new development in the Main Centres and the Main Centre Outer Areas to maintain the vitality of these areas...and to allow for development Outside of the Centres in identified specific circumstances, in accordance with the Strategic Land Use Plan (SLUP)”*.

The approach to development set out within the SLUP and the Spatial Policy of the IDP is reinforced through Policy S4 (Outside of the Centres) and the introduction to Part 3 of the IDP *Policies for Outside of the Centres* which, whilst acknowledging that the Plan makes provision for certain types of development Outside of the Centres, states that proposals for new housing will not generally be supported Outside of the Centres.

In exceptional circumstances, in relation to housing, the IDP does however recognise the potential opportunity to convert and reuse redundant buildings. The balance in terms of housing provision outside of the centres is however to protect the physical environment and to ensure that the spatial strategy of the Plan is not undermined. To this end, any proposal to create housing must comply with a series of rigorous tests, summarised in Policy OC1 (Housing Outside the Centres) and encapsulated in Policy GP16(A) (Conversion of redundant buildings) in the IDP.

Conversion of the existing building

The proposal is addressed against the criteria of Policy GP16(A) below.

a. It is demonstrated that the building is no longer required or capable of being used for its current or last known purpose;

As suggested within the Structural Report supporting the application, it is likely that the building was originally constructed to support the historical cultivation of the land surrounding it.

As set out above, temporary permissions were granted in 2013 and 2020 for the use of part of the land, and the building which forms the subject of this application, by a Tree Surgeon. That use has now ceased and, in accordance with the permissions issued, the land has reverted to its former authorised use for horticultural/agricultural purposes.

As part of the permissions, the building itself should have been removed once the Tree Surgeon operations ceased. Given the extent of clearance which had otherwise been achieved through the permissions, and the limited visual impacts of the building, it was however determined that no further action would be taken to require the clearance of the building and the relevant condition was subsequently varied to remove the requirement for demolition. The building is therefore lawful and could continue to be used in association with the use of the land. Whilst it might be argued that there could be an ongoing requirement for such a use, there is no evidence that the building has been used for such purpose and this was clearly not considered to be a requirement at the time of the issue of the previous permissions which sought the removal of the building, irrespective of a parallel requirement to ensure the ongoing horticultural/agricultural use of the land. In light of this, it would be unreasonable to now suggest an ongoing need and it is accepted that the building is redundant.

b. The conversion will result in the establishment of either residential, social and community, industrial, storage and distribution, convenience retail in coastal locations in accordance with Policy OC4, visitor accommodation or office use or provide facilities for outdoor formal creation or informal leisure and recreation uses;

The proposal would result in the establishment of a residential use.

c. The existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding;

Following the approach taken by the Planning Tribunal in relation to an appeal under GP16(A) (Rue Coutance Ref: PAP/008/2019), this criterion must be assessed in two parts. Firstly, whether the building is of sound and substantial construction (in relation to the use originally intended), and secondly, an assessment as to whether the building is capable of conversion without extensive alteration or rebuilding.

The submitted Structural Engineer's Report confirms that the building is of sound and substantial construction in relation to its current authorised use. Following deferral, the report has been updated to note the presence of the water course running immediately adjacent to the building and to confirm that there is no evidence of any movement or damp ingress which might indicate structural issues arising from the proximity to the water course.

The works proposed to facilitate the conversion are set out in the Brief Description of Development above. In determining the previously cited appeal, and taking into account para 19.17.7 of the IDP, the Tribunal concluded that work necessary to bring the building fabric up to current Building Regulation standards in terms of freedom from damp and thermal and sound insulation, together with the installation of internal partitions, are known to be a common feature of schemes involving the conversion of buildings and therefore such works were considered to be neutral in

terms of their impact on the objectives of Policy GP16(A). The remaining works itemised above are not considered to amount to extensive alteration or rebuilding.

The proposal would therefore comply with Policy GP16(A)(c).

d. The proposal would have no adverse impacts on the special interest of a protected building and that such interest is appropriately and proportionately preserved and, where possible, enhanced;

There are no protected buildings at the site, nor are there any nearby protected buildings, the setting of which may be affected by the proposed development.

e. The proposals would have no unacceptable impacts on the contribution a building of character makes to the character and appearance of the area;

The existing building is of simple utilitarian form, and would not be considered to comprise a building of character.

The requirements of Policy GP8 (Design) however go further than this criterion, and require a development to achieve a good standard of design which makes an efficient and effective use of land and respects the character of the local built environment, whilst providing soft and hard landscaping where this reinforces local character and mitigates the impacts of the development.

The proposal would retain the form of the existing building and alterations to the external envelope would be limited to a change to the roof material, construction of a modest single storey flat roof extension and alterations to fenestration. The proposals would not therefore significantly alter the appearance of the building within its setting or adversely affect the wider character of the area. Whilst the roof of the building is visible from the footpath to the south over the existing south boundary vegetation, this is only for a limited section of the footpath and the proposed alterations would not significantly alter the appearance of the building in these views. It is not therefore considered necessary to require additional landscaping along the south boundary as part of this application, however the applicant may wish to consider reinforcing this boundary to limit any potential impacts in this direction should further development be considered in the future. The building is also visible in glimpses across the fields, from between the residential properties along the south side of Les Osmonds Lane, however the proposed alterations would not result in significant impacts in those views.

The provision of hard surfacing is not excessive for the size of dwelling proposed, and largely replaces areas of existing informal surfacing.

f. the conversion and any ancillary development associated with it can be implemented without having any unacceptable adverse impacts on the character and openness of the landscape;

The proposal would require a change of use of part of the site to enable its use for domestic purposes, a matter which is acknowledged within the pre-facing text to Policy GP16(A). It must however be demonstrated that the provision of such curtilage would not give rise to any adverse impacts and the proposal would also fall to be considered under Policies OC5(A) (Agriculture Outside of the Centres – within the Agriculture Priority Areas), GP15 (Creation and extension of curtilage) and GP1 (Landscape Character and Open Land). Given the historical use of the site, the proposal would also need to meet the requirements of Policy GP17 (Public Safety and Hazardous Development).

Policy OC5(A) supports the change of use of agricultural land where the proposed new use accords with the other relevant policies of the Plan.

Policy GP15 states that a proposal to create or extend curtilage will be supported where:

- a. it would not have an unacceptable detrimental impact on the landscape character; and,
- b. it would not have an unacceptable impact on the biodiversity interest of an Area of Biodiversity Importance or, where negative impacts are unavoidable, they can be acceptably mitigated in accordance with a scheme to be agreed with the Authority in accordance with Policy GP3: Areas of Biodiversity Importance; and,
- c. it is demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts; and,
- d. it is demonstrated that it would not involve an unacceptable loss of established boundary features that contribute positively to the character of an area, unless the new or replacement boundary treatment makes an equal or enhanced positive contribution to the character of the area; and,
- e. it would not adversely affect the reasonable amenities of neighbouring residents.

Policy GP1 requires consideration of whether the proposal would result in any unnecessary loss of open and undeveloped land, which would have an unacceptable impact on the open landscape character of the area.

The property is not located within or adjacent to an Area of Biodiversity Importance and the change of use would not require the removal of any boundary features. Impacts on neighbouring residents are considered below.

In terms of landscape character, the application site is located within a Marais wetland area, as identified within Annex V in the Island Development Plan, set within a wider area of low lying horizontal form. Views within the immediate area are limited by the existing development along Les Osmonds Lane and Bukit Estate, together with boundary treatments, including vegetation along the public footpath

to the south. Public views of the application site are therefore limited to a short section of Les Osmonds Lane to the north-west and a short section of Chasse des Trembles to the south.

Whilst the site does comprise open land located within a wider area of open land, the proposed curtilage is limited in size and the secluded nature and limited views of the site would ensure that the proposed change of use did not have a significant impact on openness or landscape character. Notwithstanding this, the introduction of boundary fencing or walls could have an adverse impact on the character of the area and it is therefore recommended that exemptions rights in respect of those features be withdrawn by condition.

The site does form part of an Agriculture Priority Area. In support of the application, it is stated that the land has not been used for agriculture for many years and the majority of the land supports mature trees and planting. Use of the land for agriculture would require removal of that planting, which would impact both on landscape character and biodiversity and wildlife. Furthermore, as noted in the consult response from OEHPR above, there is a high likelihood of ground contamination arising from the former horticultural use of the site and the land would require remediation prior to growing of consumables. Given the costs involved in remediation, it is unlikely that this would be undertaken to allow for agricultural use of the land. In light of the above, it is accepted that the land cannot practicably be used for commercial agriculture. To ensure the health and safety of occupants of the new residential use, in accordance with Policy GP17, it is however recommended that the conditions recommended by the Office for Environmental Health and Pollution Regulation (see Consultations above) are attached to any decision issued.

In addition to the requirements of these policies, there is an expectation under the Strategy for Nature to seek biodiversity enhancements when considering a change of use of land. The north part of the site is identified as Dense Scrub on the 2018 Habitat Survey, whilst the southern section, including the area of proposed curtilage, was still in use by the Tree Surgery business and therefore of limited ecological value. It is however noted that there may have been some uplift to the ecological value of this area since the cessation of the Tree Surgery Business, as grass species have re-established. The application proposes to enclose the proposed curtilage along the north boundary with an earthbank planted with a hawthorn hedge. Hardstanding areas within the curtilage are to be reverted to "garden". No further enhancements are proposed within the curtilage, however outside of the curtilage it is proposed to remove the remnants of the former glasshouses to the north of the site, whilst otherwise retaining the mature planting and trees in that area. In addition it is proposed to form an area of enhanced grassland on the cleared area immediately adjacent to the proposed curtilage, and to plant a band of native trees along the south-west side of the access track, with a group of fruit trees at the southern end, and 5 hornbeam trees to the south-east of the track. Overall the proposed biodiversity provision would be sufficient to offset the change of use proposed in this case, and implementation can be controlled by planning condition.

g. The conversion would not require more than modest extension to the existing building for it to be achieved;

The floor space of the existing building would be 29sqm, with that of the attached toilet comprising an additional 2.34sqm. The building as it stands would therefore be just of sufficient size to meet the Guernsey Technical Standards for single person occupation.

The proposed extension would comprise 6.63sqm, or c21% of the existing floor area. Whilst, proportionately, this is slightly larger than would normally be accepted, in real terms the floor area is limited and the extension would comprise a subservient addition to the existing building. Taking this into account, together with the proposed use of the extended floor area, it is considered that the proposed extension could be considered modest for the purposes of this criterion.

The extension is not of a scale that would form a significant part of the new unit, in effect creating a new building.

h. The proposal would have no unacceptable adverse impacts on the amenities and enjoyment of neighbouring properties and the surrounding area;

The building is set away from surrounding residential properties and the change of use and physical works proposed would not have any adverse impacts on the amenities and enjoyment of those properties.

Residential amenity

The converted building would be of an acceptable floor area for a two person dwelling, having regard to the guidance set out in the Guernsey Technical Standards. It is advised that the layout as proposed is unlikely to meet all of the requirements of those standards, however this could be addressed through alterations to the internal layout of the dwelling and would not alter the outcome of this planning application.

The size and quality of the outdoor space would be generous, and there would be outlook over that space. The majority of fenestration is north facing, however that fenestration is generously sized and the living area also benefits from large doors facing west. Overall, the proposed dwelling could provide a good living environment, in accordance with Policy GP8(d) and Annex I: Amenities.

Traffic, access and parking provision

The dwellinghouse would utilise the existing site access, shared with the retained agricultural land to the north. The track is c140m long, running along the east boundary of the site, and is passable, albeit unmade. Whilst forming part of the application site, this application would not confer any consent for the change of use

of the track and it would remain agricultural. No alterations are proposed to the surface of the track as part of this application.

The access point is located in the north boundary, adjacent to a sharp bend in Les Osmonds Lane and visibility splays are impaired by the geometry of the lane and vegetation along the site boundaries. The proposal would not however represent a significant increase in vehicle movements relative to previous uses of the site and, taking into account the position of the site towards the end of a one-way lane, vehicles movements along the lane are low. The proposal would therefore not give rise to road safety concerns, in accordance with Policy IP9 (Highway Safety, Accessibility and Capacity).

The proposed parking area would provide adequate parking for the new dwelling, in accordance with IP7 (Private and Communal Car Parking), however refined details would be required to demonstrate the provision of turning within the domestic curtilage.

There is no specified provision for cycle storage, however there is ample space for the provision of such storage within the proposed curtilage and the Parking Standards SPG states that scope provision is sufficient in cases such as there. The proposal would therefore be in accordance with IP6 (Transport Infrastructure and Support Facilities).

Sustainability, accessibility and adaptability

In terms of accessibility to and within the building and the provision of flexible accommodation, the main entrance is well related to the proposed parking area, with capacity for level access and all accommodation is provided over a single level. The proposal would therefore meet the terms of Policy GP8 (Design), parts f) & g).

Confirmation has also been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations, including enhanced insulation. Permeable paving is proposed to the hardsurfaced areas (gravel) and an electric vehicle charge point is to be included adjacent to the parking area. In the absence of adopted guidance, the information submitted is adequate to meet the requirements of Policy GP9 (Sustainable Development) part a) and implementation of these measures can be controlled by planning condition.

An open stream runs across the site west-east, immediately to the north of the existing building and at the time of the site visit water logging was evident to the west of the building. Following deferral, the Structural Engineer's Report has been updated, noting that the property has not previously experienced flooding and suggesting that the stream would benefit from the installation of a culvert, which would help safeguard the building's foundations and enhance the overall drainage performance of the area. A culvert has been incorporated into the revised proposal. The proposed culvert would address concerns regarding water management and,

subject to provision of a detailed engineering design prior to works commencing, Guernsey Water raise no objection to the proposal. To ensure that neither the conversion nor the water course are compromised it is recommended that a condition be applied ensuring the culvert is completed prior to works commencing on the conversion. To further ensure appropriate management of surface water, it is recommended that exemption rights for hardsurfacing are removed by condition, preventing the laying of excessive or non-permeable surfacing.

Conclusion

On balance, and subject to the conditions set out above, the proposal accords with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 04/09/2025

