

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: Variation to previously approved plans for change of use of agricultural land to domestic garden (1,253 sqm) - Extend domestic garden by additional 1,442 sqm and rescind condition 5 (gate) and erect polytunnel.

LOCATION: Land at, Route De La Murette, St. Saviour.

APPLICANT: Mr & Mrs M Allez

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: 08/05/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/01/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 6317-03B1 C, 03B2 D, 6317-03 Justification Report, Polytunnel Details

Application Ref: FULL/2025/0178

Property Ref: E008470000+E00538A000

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 on or before 10/12/2027.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 10/12/2024, issued under planning application reference FULL/2024/1500, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

Expiry Date: This permission will cease to have effect on 07/05/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, conditions 3 and 4 of the original permission, FULL/2024/1500, apply to the full area of domestic garden as now approved under this variation application, reference FULL/2025/0178.

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

(1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).

(2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2025/0178
Property Ref: E008470000+E00538A000
Valid date: 31/01/2025
Location: Land at Route De La Marette St. Saviour Guernsey GY7 9XB
Proposal: Variation to previously approved plans for change of use of agricultural land to domestic garden (1,253 sqm) - Extend domestic garden by additional 1,442 sqm and rescind condition 5 (gate) and erect polytunnel.

Applicant: Mr & Mrs M Allez

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun on or before 10/12/2027.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 10/12/2024, issued under planning application reference FULL/2024/1500, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

INFORMATIVES

For the avoidance of doubt, conditions 3 and 4 of the original permission, FULL/2024/1500, apply to the full area of domestic garden as now approved under this variation application, reference FULL/2025/0178.

OFFICER'S REPORT

Brief Description of the site:

Maison De La Guerre is visible in the approach to Fort Richmond and in long views from the coast, against the rising land. The headland has a mixed character. The Rue du Marette runs along the centre of the headland, flanked by residential properties to the north of the application site, whilst the land to the west and north-west is more rural in aspect, comprising open scrub land falling away towards the coast. The Fort Richmond property has been converted to a single dwelling house and permission has been granted for development within the curtilage of this property. A polytunnel has been situated adjacent to the proposed west boundary of domestic garden area, falling on agricultural land. At the time of the officer site visit this was not being used for growing in line with current exemptions and the matter was referred to Planning Enforcement.

The curtilage line for the dwelling as originally approved followed a change in ground level, along the line of a previous bank/vegetated strip and would be appropriately located in terms of the surrounding landscape. The curtilage was defined, offering mitigation of the development through the provision of an earth mound against the north-east of the casement and an extension of the earth mound to the south of the structure around the parking area. As the planning history indicates, permission was granted in 2024 to change the use of a further area of agricultural land to domestic garden.

The full extent of the land around Fort Richmond forms the domestic garden area for that property and the curtilage/garden at Patris has been extended (2021) to the line of the current approval at Maison De La Guerre.

This application relates to the change of use of agricultural land to domestic garden of the area of land currently occupied by an agricultural store (see 2017 permission) and a polytunnel which is currently unauthorised. The application was deferred to enable details of the polytunnel to be included within the submission.

The enlarged area of curtilage would be marked by existing landscaping/bank that separates one piece of agricultural land from another, with an existing gateway for access purposes. It would project beyond the garden area of Patris and Fort Richmond to the north and south of the site.

The site is located Outside of the Centres as designated in the Island Development Plan. The property is a protected building.

Relevant History:

FULL/2015/2924 - Convert existing bunker and extend to form new dwelling (Revised) – granted (variation subsequently approved under ref: FULL/2026/2855)

FULL/2024/0348 - Erect single storey extension to south (side) elevation (Protected Building) (Revised Scheme) – granted

FULL/2024/1500 - Change of use of agricultural land to domestic garden (1,253 sq.m.) – granted

Patris

FULL/2017/2823 - Extend existing agricultural store (retrospective) – granted

FULL/2021/0622 - Change of use of agricultural land to domestic garden (1,200sqm) – granted

FULL/2024/0774 - Erect single storey extension to south (side) elevation (Revised Scheme) – granted

Fort Richmond

FULL/2019/0385 - Change of use to residential use (Use Class 1) of former Barracks Building. Erect 2nd floor flat roof extension, create 1st floor window to west elevation, and door to 1st floor east elevation. Alterations to fenestration and internal alterations. Install bridge over moat to 1st floor. (Protected Monument and Building) – granted

FULL/2020/2337 - Create driveway and parking area (Protected Monument) – granted

FULL/2022/1689 - Erect outbuilding/store to east boundary (Protected Monument) – granted

Existing Use(s):

01 dwellinghouse
28 agriculture

Assessment: *(Tick as appropriate)*

no representation	<table><tr><td>x</td></tr></table>	x
x		
accords with policy	<table><tr><td>x</td></tr></table>	x
x		
within curtilage	<table><tr><td>x</td></tr></table>	x
x		
design acceptable	<table><tr><td>x</td></tr></table>	x
x		

visual amenity acceptable	<table><tr><td>x</td></tr></table>	x
x		
no material neighbour impact	<table><tr><td>x</td></tr></table>	x
x		
traffic not affected	<table><tr><td>x</td></tr></table>	x
x		

Policies considered most relevant:

Island Development Plan:

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

GP1: Landscape Character and Open Land

GP5: Protected Buildings

GP6: Protected Monuments

GP15: Creation and Extension of Curtilage

Strategy for Nature SPG

Consultations:

Agriculture, Countryside and Land Management Services – Our advice is very similar to that which we provided to a similar application on this site in November 2024. For the reasons we explained then, whilst we are not in receipt of an assessment of the current ecological condition of the site, we also recognise that the proposal explicitly states that no features will be removed, except for a number of ‘diseased’ trees, and therefore the likelihood of a reduction in the baseline ecological value is limited.

We welcome the proposed enhancement measures within the area of requested extension of domestic curtilage, notable the commitment to:

- Planting native trees,
- Retention of the material arising from felling of trees as a deadwood habitat,
- Enhancement of the existing grassland, rather than any proposal to cultivate and sow with seed, which is in line with the published wildflower meadow guidance.

We note that it may be several years before the bird boxes can be installed on the newly planted trees, and this is likely to be beyond the 5 years to which planning conditions relate. However, even if we discount the contribution of these bird boxes, we believe the scheme is likely to achieve a net enhancement in biodiversity.

Conclusion/Brief comment:

The matter of domestic garden was considered as part of the proposed conversion scheme from 2015 under the Rural Area Plan and as this plan has been superseded by the Island Development Plan there has been a material change to the policies against which an application must be assessed. It was acknowledged that there is a functional need for curtilage to be associated with a new dwelling and that the site is visible in long views from the coast. The impact of ancillary domestic structures, the domestication of the site arising from the domestic paraphernalia were also matters highlighted because they could impact on the setting of the protected buildings/monuments and in wider views. The permission was granted but the application report concluded that *“the domestication of the site can be mitigated to some extent by the removal of exemption rights for extensions, fencing, sheds and*

hardsurfacing, however the introduction of some domestic items falls outside of planning control."

The IDP sets out that there is support for the loss of an existing farmstead, agricultural building or land where the new use accords other relevant planning policies in the Island Development Plan. This provides a policy gateway for the change of use proposed.

The area of land is well associated with the existing dwelling and is not located within an Agriculture Priority Area or Area of Biodiversity Importance. The application does not require any established boundary features to be removed in connection with the change of use of the land.

The Island Development Plan recognises there is a balance between protecting open and agricultural land and other legitimate uses Outside of the Centres. The designation of the Agriculture Priority Area represents the Island's most valuable agricultural area. In this instance, given that the land is outside of the Agriculture Priority Area, the balance would not be towards protecting this land for agricultural purposes.

With regard to the impact on neighbouring properties, the proposal involves a change of use of an area of land to be included and managed as part of the residential curtilage and given the location of the land in relation to neighbouring residential properties and that adequate distance and/or boundary screening separates the land from the neighbouring properties, the proposed change of use would not of itself have an adverse impact on or affect their amenities.

The change of use would accord with Policy GP15 a)- e) and provided that the proposal accords with all other relevant policies of the IDP, the principle of change of use to domestic curtilage is considered to be acceptable in this particular location.

Although the domestic garden area as proposed would extend beyond the neighbouring properties given the established site boundaries and the setback position of the site from the coast the land would not be highly publicly visible from the coastal car park and slipway. The proposal would not undermine the wider landscape character or the openness of the area in accordance with Policy GP1.

As domestic garden normal householder exemption rights would apply and it is reasonable to consider whether it is necessary to remove any householder exemption rights in this case. As part of the conversion scheme all householder exemption rights were removed and the removal of exemption rights for this extended area of domestic garden would also be appropriate (covered by the original condition attached to the permission this application seeks to vary). It is acknowledged however, that a number of exemption rights would not apply in any case given that Maison De La Guerre is a Protected Building.

The polytunnel that is proposed, does not represent exempt development by virtue of the condition attached to the 2024 permission. The polytunnel would not result in harm to the open landscape character concerned, nor impact on residential amenity or the setting of the Protected Buildings or Monuments close by. As such this aspect of the development complies with the aims of the IDP and may be supported.

The scheme addresses the Strategy for Nature SPG and although the majority of the proposed biodiversity would fall on the land that has already agreed to form part of the extended garden area of the property further biodiversity measures are proposed on the land that is the subject of this application. Overall the level of biodiversity proposals for the site as a whole is considered satisfactory to address the SPG. A condition has already been imposed relating to the biodiversity measures for the original area of land to be incorporated into the garden and this would remain applicable in relation to the enlarged area now proposed.

The condition imposed on the original permission regarding the access gateway would be omitted from the varied permission given that this gateway would now fall within the domestic garden area of the property and not forming the boundary between agricultural and domestic land. The description of development has been amended accordingly.

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.

In view of the above it is recommended permission is granted.

Recommendation:

Grant with Conditions



Date: 02/05/2025

