

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 (71sqm), and erect shed.

LOCATION: Land At, Rue Coutance, Vale.

APPLICANT: Mr R Wilkes-Green

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 28/08/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/04/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Architects: 2152/03.07 & 03.10B.

Application Ref: FULL/2025/0296

Property Ref: C01162A000

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.The landscaping plan hereby approved (ref: 2152 03.10B) shall be fully completed in accordance with the drawing in the first planting season following the erection of the shed or first use of this section of land for domestic purposes whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. 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 and to help assimilate the development into its surroundings and to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

Expiry Date: This permission will cease to have effect on 27/08/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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.

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/2025/0296
Property Ref: C01162A000
Valid date: 02/04/2025
Location: Land At Rue Coutance Vale Guernsey GY3 5PX
Proposal: Change of use of agricultural land to domestic garden (71sqm), and erect shed.

Applicant: Mr R Wilkes-Green

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 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. The landscaping plan hereby approved (ref: 2152 03.10B) shall be fully completed in accordance with the drawing in the first planting season following the erection of

the shed or first use of this section of land for domestic purposes whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. 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 and to help assimilate the development into its surroundings and to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

INFORMATIVES

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.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a newly constructed dwellinghouse situated on the north side of Rue Coutance. Surrounding the site the area comprises open fields with residential properties beyond the fields in all directions. The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2024/1280 - Erect 1.5 storey extension to east (side) elevation and a single storey extension to west (side) elevation – Approved September 2024.

FULL/2022/0793 - Demolish existing building and erect new dwelling with associated parking and landscaping – Approved September 2022.

FULL/2020/1010 - Convert existing outbuilding to new dwelling with associated car parking and amenity area – Approved March 2021.

PAP/008/2019 - Appeal on above refusal dismissed – Dismissed October 2019.

FULL/2018/0826 - Convert existing outbuilding to new dwelling with associated car parking and amenity area – Refused December 2018.

Existing Use(s):

Residential use class 1: dwelling house.

Agricultural use class 28: agriculture.

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☐	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

GP1: Landscape Character and Open Land

GP8: Design

GP13: Householder Development

GP15: Creation and Extension of Curtilage

Consultations:

The Office of Environmental Health and Pollution Regulation.

'I have reviewed the proposed plans for Rue Coutance which were received by email on 14th April 2025 and there are a number of issues of concern that I must raise. The land has been occupied by greenhouses. As such, I would have concerns for contaminated land from the agricultural/horticultural industry itself such as pesticides and hydrocarbons. I would also be concerned for contamination from heavy metals such as, but not limited to, lead. This office is aware of historic burning on the land parcel, therefore I am concerned for contamination from this burning. With the above points in mind, I believe a full contaminated land condition should be applied by the Planning Authority.

I would also like to note the water course that runs through the land parcel and that any works should comply with the Environmental Pollution (Water Pollution) Ordinance, 2022.

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.

Conclusion/Brief comment:

This application is to apply for a change of use of some of the surrounding agricultural land (71sqm) into the domestic garden and to erect a larger shed.

The application wants to add a strip of domestic curtilage to the east end of the site, an additional 4m width of land along the whole of the east boundary.

Originally the existing packing shed (68sqm footprint) was allowed to be converted within a domestic curtilage of roughly 456sqm, the next application requested that the packing shed was demolished and a new two bed property (80sqm) erected within the same domestic curtilage. The report stated:

“The IDP recognises there is a balance between protecting open and agricultural land and other legitimate uses Outside of the Centres...the proposed residential curtilage is relatively limited in extent and the land surrounding the residential unit will remain open”. On that basis, the proposed curtilage was determined to be proportionate to the size of the dwellinghouse, and to meet the terms of policy without significant impacts on the open character of the area.

Since then the 2024 application has doubled the footprint of the property to 156.7sqm leaving a lot less amenity space for the property. The previous report stated, *‘The proposal would reduce the amenity space associated with the dwelling, however the retained area would remain sufficient to serve the dwelling.’*

However, this application has now been submitted to increase the domestic curtilage by 71sqm, a strip of land 4m wide added to the east end of the site. This will include increasing the size of the parking area by 29sqm and replacing the existing small shed with a 3m x 4m shed to be located in the northeast corner. Further biodiversity enhancements have been added.

The domestic curtilage would go from 456sqm to 527sqm, in which the 156.7sqm property will sit. The land is not within an Agriculture Priority Area, or an Area of Biodiversity Importance. There would be no unacceptable detrimental impacts on the landscape character, no unacceptable loss of established boundary features, and the proposals would not adversely affect the reasonable amenities of neighbouring residents.

The conditions from the 2022 application stated that the normal exemptions for dwelling houses had been removed, which is why this application includes the 12sqm shed and the hardstanding, both of which would have been exempt in normal circumstances.

Both the shed and the hardstanding are considered to be appropriate and acceptable, they will not have any impacts on the character of the surrounding area, nor will they affect any neighbour amenity.

Environmental Health raised concerns about the potential for contaminated land due to the previous use as a glasshouse site and recommended that a full land contamination condition is applied. However, the development is largely complete and no previous applications included such conditions. On the basis of the extent of works already completed and the nature of the proposed change of use of a small sliver of land, it would be unreasonable to apply a full land contamination condition in this case. However, it is recommended that a remark is added to the decision notice to make the applicant aware of the potential for the land to be contaminated.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 28/08/2025