

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 (462sqm) and associated works (Retrospective).

LOCATION: 1 La Heche, Route De La Passee, St. Sampson.

APPLICANT: Mr P Ferbrache

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: 21/08/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/03/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTECH Freelance Architecture - PF-25-2224-02C & Biodiversity Statement

Application Ref: FULL/2025/0298

Property Ref: B018620000+B01864B000+B018630000+B018640000

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.a) The landscaping scheme (including the approved gate) for the area outlined in red and hereby agreed as domestic curtilage/garden, shall be fully completed in accordance with the details provided within the Environment Guernsey Biodiversity Statement August 2025, and Plan PF-25-2224-02C, by the end of the planting season following the grant of consent (by 31st March 2026).

b) Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity and to secure biodiversity enhancements.

Expiry Date: This permission will cease to have effect on 20/08/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

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

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

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

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

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

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

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel 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/2025/0298
Property Ref: B018620000+B01864B000+B018630000+B018640000
Valid date: 13/03/2025
Location: 1 La Heche Route De La Passe St. Sampson Guernsey GY2 4TL
Proposal: Change of use of agricultural land to domestic garden (462sqm) and associated works (Retrospective).

Applicant: Mr P Ferbrache

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. a) The landscaping scheme (including the approved gate) for the area outlined in red and hereby agreed as domestic curtilage/garden, shall be fully completed in

accordance with the details provided within the Environment Guernsey Biodiversity Statement August 2025, and Plan PF-25-2224-02C , by the end of the planting season following the grant of consent (by 31st March 2026).

b) Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity and to secure biodiversity enhancements.

OFFICER'S REPORT

Brief Description of the site:

The site is wedge shaped divided from the three La Heche cottages directly to the south-east by the access track to the agricultural land which lies to the south-west of the site. The access from Route de la Passee is located to the northern side, and a mature boundary hedge runs along the northwest of the site.

The site is located Outside the Centre and is not within the Agriculture Priority Area.

Relevant History:

FULL/2017/0381 – Extend domestic curtilage and erect boundary wall (Approved)

FULL/2022/2307- Demolish pigsties, erect single storey detached garage/workshop to north-west boundary.

Existing Use(s):

- 01 Residential Dwelling
- 28 Agriculture

Assessment: *(Tick as appropriate)*

no representation

✓
✓
✓

accords with policy

within curtilage

design acceptable

visual amenity acceptable

no material neighbour impact

traffic not affected

✓
✓
✓

Policies considered most relevant:

GP1 – Landscape Character

GP8 – Design

GP9 – Sustainable development

GP15- Creation and Extension of Curtilage

Conclusion/Brief comment:

The proposal to extend the domestic curtilage/garden falls to be considered principally under Policies GP15 and GP1 of the Island Development Plan. As shown on the application drawings the proposed garden would serve the two most northern properties at La Heche.

The site is not within an Area of Biodiversity Importance or an Agriculture Priority Area, no existing boundary features are proposed to be removed, and the proposed change of use would not of itself have an adverse impact on or affect the amenities of neighbouring residents due to the position of the land.

The application does not propose to remove any significant areas of established boundary treatments and introduces a new earthbank and native hedgerow to the new boundary with the remaining agricultural land to the southwest of the site, along with agricultural style gate. The bank, hedge and gate which provides satisfactory demarcation of the domestic land.

The land the subject of this application is partially visible from Route de La Passee with the existing neighbouring dwellings limiting views. The recently approved and partially constructed garage will limit these views further. The land is connected to a small area of open agricultural land to the south-west, but with residential development extending along either side this means that the change of use of the land is unlikely to have a significant adverse effect on the landscape character of the area, in accordance with Policies GP15 and GP1.

The agent has included a plan showing the proposed biodiversity enhancements, in order to take into account the Strategy for Nature (2020) Supplementary Planning Guidance. This includes new earthbanks with native species hedgerows to create the new boundary between the domestic land and agricultural land. The proposed landscaping also includes two compost areas within the extended curtilage along with proposals to enhance the existing amenity grassland with mixed wildflower seeding. These proposals are considered reasonable and proportionate for the size of the extended curtilage, and further details of the proposed planting will be conditioned. The additional biodiversity enhancements proposed outside the red line are welcomed but are not able to be conditioned as part of the approval.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

On this basis, the application is compliant with the relevant Island Development Plan policies, it is therefore recommended that planning permission be granted, subject to conditions

Recommendation:

Grant with Conditions

Date: 20/08/2025



