

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 (574sqm), erect 1.5 storey detached outbuilding/garage to north boundary, install hardstanding and erect earthbank.

LOCATION: Wakatipu, Les Rouvets Road, Vale.

APPLICANT: Mr & Mrs Moullin

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: 30/05/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/04/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JM Design Limited - 2418-02 PD/01B, PD/02B & Tree Dimension Landscapes Defined report dated 21/03/2025

Application Ref: FULL/2025/0489

Property Ref: C020530000

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 domestic use of the area comprising the extended curtilage hereby permitted shall begin until such time as a scheme for the treatment of the north-west boundary has been submitted to and agreed in writing by the Authority and the agreed scheme has been fully completed.

Reason - To protect the reasonable amenities of neighbouring residents.

6.The landscaping scheme, including the earth bank along the north-east boundary, shall be fully completed, in accordance with the approved Block Plan 2418-02/PD/01B and the Tree Dimensions Landscape proposals dated 21/03/2025, in the first planting season following the grant of this permission or by the 31/03/2026. 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 - In the interests of visual amenity and biodiversity.

7.The garage/outbuilding hereby permitted shall not be used until such time as the existing outbuilding has been demolished and all ancillary materials, works and structures have been removed from the site.

Reason - To ensure that the use of the garage/outbuilding is ancillary to the existing dwelling.

Expiry Date: This permission will cease to have effect on 29/05/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed garage/outbuilding to be used only for purposes incidental to the enjoyment of the dwelling house presently known as Wakatipu, unless in accordance with a use permitted under the Land Planning and Development (Exemptions) Ordinance, 2023 or any other Ordinance

replacing or re-enacting that Ordinance.

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>.

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/2025/0489
Property Ref: C020530000
Valid date: 07/04/2025
Location: Wakatipu Les Rouvets Road Vale Guernsey GY6 8NH
Proposal: Change of use of agricultural land to domestic garden (574sqm), erect 1.5 storey detached outbuilding/garage to north boundary, install hardstanding and erect earthbank.

Applicant: Mr & Mrs Moullin

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. (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 domestic use of the area comprising the extended curtilage hereby permitted shall begin until such time as a scheme for the treatment of the north-west boundary has been submitted to and agreed in writing by the Authority and the agreed scheme has been fully completed.

Reason - To protect the reasonable amenities of neighbouring residents.

6. The landscaping scheme, including the earth bank along the north-east boundary, shall be fully completed, in accordance with the approved Block Plan 2418-02/PD/01B and the Tree Dimensions Landscape proposals dated 21/03/2025, in the first planting season following the grant of this permission or by the 31/03/2026. 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 - In the interests of visual amenity and biodiversity.

7. The garage/outbuilding hereby permitted shall not be used until such time as the existing outbuilding has been demolished and all ancillary materials, works and structures have been removed from the site.

Reason - To ensure that the use of the garage/outbuilding is ancillary to the existing dwelling.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed garage/outbuilding to be used only for purposes incidental to the enjoyment of the dwelling house presently known as Wakatipu, unless in accordance with a use permitted under the Land Planning and Development (Exemptions) Ordinance, 2023 or any other Ordinance replacing or re-enacting that Ordinance.

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>.

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

Site Description:

The site comprises of a detached dwelling fronting onto the highway with a detached outbuilding within the rear garden and an area of agricultural land under the same ownership to the rear (east) of the domestic land. The dwelling, outbuilding and associated domestic land is within the Pleinheume Conservation Area, the agricultural land is outside of the Conservation Area. The entire site is located Outside of the Centres.

Relevant History:

PREA/2025/0271 – Pre-application enquiry including to extend domestic curtilage and erect garage.

Existing Use(s):

Residential use class 1: Dwelling house
Agricultural use class 28

Brief Description of Development:

Planning permission is requested for the change of use of a parcel of agricultural land measuring 574sqm to domestic land associated with the dwelling Wakatipu and to erect a 1½ storey detached garage/outbuilding, install hardstanding and erect an earth bank.

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

Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas
Policy GP1: Landscape Character and Open Land
Policy GP8: Design
Policy GP9: Sustainable development
Policy GP13: Householder development
Policy GP15: Creation and Extension of Curtilage

Representations:

One letter of objection was received in response to the original application from a neighbouring property to the north-west, main points as follows:

- The building is not well related to the house and concerned about vehicular traffic at the end of their garden.
- Situated at the end of their garden, the building will impede their view across agricultural land. Their view will also be negatively impacted by the removal of the large tree.
- Concerned about the potential for the building to be converted into living accommodation in future.
- No objection to use of land as a domestic garden but requests reassurance that provisions will be put in place to offer some privacy between the properties.

Consultations:

The Office of Environmental Health and Pollution Regulation, 29/04/2025

"I have reviewed the proposed plans for Wakatipu which were received by email on 22nd April 2025 and there are a number of issues of concern that I must raise. The site has played host to heated greenhouses, therefore I would have concerns for land contamination from hydrocarbons. I would also have concerns for land contamination caused by the horticultural/agricultural industry itself. Specifically, but not limited to pesticides and also heavy metals such as but not limited to lead. As such, I believe the Planning Authority should apply a full contaminated land condition to any permission granted by them.

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:

The main issues in deciding this application are:

- The impact on the landscape character and openness of the area.
- The impact on the amenities of neighbouring residents.

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).**

The proposal to extend the domestic curtilage falls to be considered principally under Policies GP15 and GP1 of the Island Development Plan.

The site is not within an Area of Biodiversity Importance or an Agriculture Priority Area and no existing boundary features are proposed to be removed. The agent has confirmed that a 1.8m high timber fence will be installed along the north-west boundary to provide a degree of privacy between the extended garden and neighbouring properties, details of which can be requested by condition. Provided that a suitable boundary treatment is installed along the north-west boundary, the proposed change of use would not of itself have an adverse impact on or affect the amenities of neighbouring residents.

The land the subject of this application is largely screened from the public highways Les Rouvets Road to the west and Pleinheume Road to the north-west by a ribbon development of residential dwellings. The land the subject of this application forms part of a wider area of undeveloped agricultural land to the east and south-east, and which has the potential to become far more open on the removal of the adjoining glasshouse to the south-east. In this respect it is noted that permission was granted in April 2023 (FULL/2022/0742) to convert an outbuilding on the adjoining vinery site to the south-east which included the removal of the glasshouse. However, the land the subject of this application is bounded by neighbouring domestic land to the north-west and together with its relationship to the neighbouring domestic land, its position in the north-west corner of the wider area of open and undeveloped land, and its limited public visibility, the land the subject of this application does not form a significant part of the wider area of open and undeveloped land and the proposed 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 advises that the proposed garage/outbuilding would replace the existing domestic outbuilding and would be used for cars and general storage and the existing outbuilding would be demolished. Although limited information has been provided about the proposed use of the garage/outbuilding, if the existing

outbuilding is demolished, the overall increase in the floor area would be limited and the information submitted is sufficient to demonstrate that the garage/outbuilding would be ancillary to the existing dwelling, in accordance with Policy GP13.

By virtue of its siting to the rear of the existing dwelling and neighbouring dwellings, the proposed garage/outbuilding would not form a prominent feature from the public highways Les Rouvets Road and Pleinheume Road. Although the garage/outbuilding is situated some distance from the existing dwelling, its proximity to and relationship with built development on neighbouring properties to the north-west would limit its visual impact on the landscape character and openness of the undeveloped/agricultural land to the east and south-east. The garage/outbuilding achieves a satisfactory standard of design and it is unlikely to have any significant adverse effect on the character, openness and visual amenity of the locality, in accordance with Policies GP1, GP8 and GP13.

The garage/outbuilding would be situated at the end of the neighbour's garden, approximately 30 metres from the neighbouring dwelling and it would overlap approximately one third of the total width of the neighbour's garden. This relationship together with the 1½ storey design of the garage/outbuilding is unlikely to result in any significant adverse effects on the amenities of neighbouring residents. In this respect it is noted that the partial loss of private views is not a material planning consideration. In principle the garage/outbuilding could be used as habitable accommodation ancillary to the existing dwelling without the need for further planning permission. However, as no fenestration is proposed in the north-west elevation, such a use is unlikely to have any significant adverse effects on the amenities of neighbouring residents.

The proposal incorporating the creation of an earth bank with a mixed hedge along the north-east boundary, the planting of a mixed hedge along the driveway and the planting of 7 trees would provide proportionate biodiversity enhancements, taking into account the area of land involved. To ensure that appropriate biodiversity enhancements are achieved in a timely manner, it is recommended that the proposed landscaping scheme is completed by the end of the next planting season, i.e. by 31/03/2026. Whilst the loss of the existing tree is unfortunate and seems to be unnecessary, it is not a protected tree and it does not have sufficient stature or contribution to public visual amenity to justify its protection. In addition, the loss of the tree would be satisfactorily mitigated by the proposed tree planting.

To address the concerns raised by the Office of Environmental Health and Pollution Regulation regarding the potential for contaminated land, it is recommended that a condition is attached to the decision.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

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.

It is recommended that the application is approved.

Date: 29/05/2025