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 (4,720sqm).

LOCATION: Kel-Rik, Braye Du Valle, 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: 27/08/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/05/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7505-03/B1 & /B2B.

Application Ref: FULL/2025/0747

Property Ref: B01066F001 + B01066F1A0

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.Prior to the 31 December 2025, full details of the proposed creation of the areas of rewilding shall be submitted to and agreed in writing by the Authority.

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

4.The landscaping scheme shall be fully completed, in accordance with the details agreed under the above condition and shown on the submitted Landscape Plan Drawing No 7505-03-B2/B, in the first planting season following the date of this decision, by 31st March 2026. The landscaping shall thereafter be maintained in accordance with the details set out on that plan and 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 that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

Expiry Date: This permission will cease to have effect on 26/08/2028 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

States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No:	FULL/2025/0747
Property Ref:	B01066F001 + B01066F1A0
Valid date:	01/05/2025
Location:	Kel-Rik Braye Du Valle St. Sampson Guernsey GY2 4RA
Proposal:	Change of use of agricultural land to domestic garden (4,720sqm).
Applicant:	Mr & Mrs Robert

RECOMMENDATION - Grant: Planning Permission with Conditions:

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

OFFICER'S REPORT

Site Description:

The application site is located behind the roadside residential development lining the west side of La Route Militaire and the north side of Braye du Valle. The site comprises a dwellinghouse and associated outbuilding within the existing domestic curtilage to the south and an open field to the north. The site is bounded by further open land to the west and a glasshouse site to the north.

The site is flat, with a small change in level between the existing curtilage and the field, marked by a low (c30cm) retaining feature rising level with the height of the land within curtilage. The field is bounded by a 1-1.5m stone wall to the west and north with established trees along both boundaries. The east boundary is formed by a 2m plastic fence. There are a limited number of trees within the site, in the north-west corner and two groups of fruit trees, adjacent to the north and east boundaries.

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

Relevant History:

No planning history relevant to the current proposal relating to this site or the adjoining land to the west. In relation to the land further to the west, located behind the roadside development to the north of Route Militaire:

B.1066/E Lynrose
FULL/2017/3046 Permission to extend curtilage 15m to north (retaining 100m to north boundary with ABI)

B.1066/H L'Etelle du Nord
FULL/2024/1685 Permission to extend curtilage 20m to north (retaining 90m to north boundary with ABI)

B.1077 & B.1077/A Maple Cottage
FULL/2019/2270 Refusal to extend curtilage to encompass entire site.

B.1078/A Entre Nous
FULL/2025/0120 Permission to demolish glasshouse and change of use of outbuilding to dwelling, including creation of limited curtilage (retaining 90m to north boundary)

Existing Use(s):

Residential Use Class 1
Agricultural Use Class 28

Brief Description of Development:

Permission is sought to change the use of 4720sqm of agricultural land located to the north of the domestic property known as Kel-Rik for domestic use.

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

OC5(A) Agriculture Outside of the Centres – within the Agriculture Priority Areas
GP1 Landscape Character and Open Land
GP15 Creation and Extension of Curtilage

Strategy for Nature

Representations:

One letter of representation received raising the following points:

- There is little to no provision for biodiversity. Plants shown in the photo in the supporting information are Zantedeschia aethiopica, a plant native to South Africa and not a locally native species;
- The field is located adjacent to other APA agricultural land and could be accessed from that land.

La Societe Guernesiaise comment as follows:

La Societe remains concerned over the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan currently permits the consideration of such applications, we seek to optimize ecological gains in such cases wherever possible.

We note that the site is within an Agricultural Priority Area and would question the claim that the area cannot be used for the purpose of farming when other land in the near vicinity is actively farmed.

We suggest that the proposed extent of the new domestic curtilage (4,720sqm) is excessive and would therefore prefer a reduction in the size of the extension.

We would also highlight that the proposed biodiversity measures are insufficient in terms of providing adequate ecological gain in respect of a curtilage extension of this size.

Consultations:

None undertaken.

Summary of Issues:

Impacts on landscape character and open land;
Whether the land can contribute to the wider Agriculture Priority Area;
Whether the proposals take into account the requirements of the Strategy for Nature.

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 OC5(A) supports development which would result in the loss of agricultural land where the proposed new use accords with all other relevant policies.

The application site is located to the rear of the roadside development to the east and south and is screened in public views by that development and the glasshouses to the north, with only very limited glimpsed views available between buildings. Boundary features, particularly to the north and west, are strong. The site is separated from the adjacent field to the west by established tree planting, and is not therefore read in context with that land, which itself has established tree planting to all boundaries, separating both sites from the wider area of open land to the north-west. The glasshouses to the north further prevent the application site being read as part of that area of open land. Even were the glasshouses cleared, the application site would be located behind the roadside development and would be read in context with that development, and would not make a significant contribution to any open land created to the north. On balance therefore, taking into account the specific circumstances of this site and, in particular, its relationship with surrounding built form, it is considered that the proposal would not have an unacceptable impact on landscape character or openness.

In relation to the potential use of the site for commercial agriculture, the submitted documentation notes that the land can only be accessed through the domestic property, with no physical connection to any other land within the Agriculture Priority Area and has not been used for agricultural purposes since construction of the dwelling in the 1970s.

The boundaries are noted to be very well established, with no visible access points, and the domestic access is stated to be unsuitable for agricultural vehicles. On balance, taking into account the context of this particular site, it is considered that the site is peripheral to the land within the wider Agriculture Priority Area and would not be likely to positively contribute to the commercial agricultural use of that designated area.

The site is not located within or immediately adjacent to an Area of Biodiversity Importance. Land to the north-west is designated as an ABI, however that land is located over 100m distant and separated from the site by established planting, and the proposal would not give rise to any particular impacts on that land.

No boundary features are to be removed as part of the proposals.

The proposed use of the land would be for domestic purposes, and, taking into account the proposed use and the relationship to surrounding residential property, the proposal would have no adverse effects on neighbouring residents.

The site, as existing, comprises Amenity Grassland as identified in the 2018 Habitat Survey and supports a number of trees along the site boundaries and within the site area. In respect of the Strategy for Nature, as initially submitted the application included two limited areas to be left to re-wild, the installation of two bird boxes and a bug hotel and the creation of a compost heap. Taking into account the size of the area proposed for change of use, these factors in isolation were not considered to provide sufficient uplift to the ecological value of the site. Following deferral, the areas of rewilding have been increased and additional planting of five fruit trees has been proposed. Cumulatively and on balance, the landscaping proposals are considered to address the requirements of the Strategy for Nature. To ensure this is the case it is however recommended that full details of the rewilding and implementation of the proposed planting is required by condition. Whilst the implication is that areas will be left to rewild, without any additional seeding, to ensure no non-native species are introduced, further details of the proposed management method are required.

In the context of this site there is no requirement to remove exemption rights.

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.

Date: 19/08/2025