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 (1,185sqm).

LOCATION: Hamilton Place, La Route Du Braye, Vale.

APPLICANT: Mr & Mrs Tester

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: 18/07/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/05/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd - 6537/A/1

Application Ref: FULL/2025/0822

Property Ref: C008370000+C00837A000

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.If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until the developer has submitted a method statement to the Authority to identify, risk assess, and address the unidentified contamination, and has obtained written agreement from the Authority for the works to proceed. Any subsequent development must be carried out in accordance with the conclusions and recommendations of the approved report.

Reason - The site is understood to of contained heated glasshouses. Lead is a heavy metal that can contaminate home grown produce and subsequently present a health risk to the human population. To avoid such risk and ensure that the potential for contamination is suitably addressed, the condition aforementioned above is attached to the decision.

5.(a) Prior to the proposed domestic curtilage extension being implemented, full details of all trees and hedges to be planted in the exact positions shown on drawing Ref: 6537/A/1, including the species, size and density of plants at the time of planting, shall be submitted to and approved in writing by the Authority.

(b) The hedges and trees shall be planted in accordance with the details agreed under the terms of criterion (a) above, by the end of the first planting season following the domestic curtilage being brought into first use. 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 - The information submitted is ambiguous and not specific enough. The condition is required to ensure that the exact location of the planting approved is known to ensure that the completed development is satisfactory, to provide biodiversity enhancements in accordance with the Strategy for Nature SPG, and is carried out within a reasonable timeframe.

Expiry Date: This permission will cease to have effect on 17/07/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-
In respect of Condition 5 and the proposed planting scheme, the site formerly contained glasshouses and there is therefore potential for contaminants in the soil. It is therefore advised that any landscaping scheme submitted for the site avoid the use of fruit trees, or other consumable plants.

In addition, in respect of the wild flower meadow, it is advised that the Wildflower Meadow Guidance is reviewed. this can be found on the Planning Service's website at https://www.gov.gg/planning_building_permissions, under 'Wildlife friendly gardens and buildings and wildflower meadow advice'.

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/2025/0822
Property Ref:	C008370000+C00837A000
Valid date:	21/05/2025
Location:	Hamilton Place La Route Du Braye Vale Guernsey GY3 5PG
Proposal:	Change of use of agricultural land to domestic garden (1,185sqm).
Applicant:	Mr & Mrs Tester

RECOMMENDATION - Grant: Planning Permission with Conditions:

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

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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. If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until the developer has

submitted a method statement to the Authority to identify, risk assess, and address the unidentified contamination, and has obtained written agreement from the Authority for the works to proceed. Any subsequent development must be carried out in accordance with the conclusions and recommendations of the approved report.

Reason - The site is understood to of contained heated glasshouses. Lead is a heavy metal that can contaminate home grown produce and subsequently present a health risk to the human population. To avoid such risk and ensure that the potential for contamination is suitably addressed, the condition aforementioned above is attached to the decision.

5. (a) Prior to the proposed domestic curtilage extension being implemented, full details of all trees and hedges to be planted in the exact positions shown on drawing Ref: 6537/A/1, including the species, size and density of plants at the time of planting, shall be submitted to and approved in writing by the Authority.

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Reason - The information submitted is ambiguous and not specific enough. The condition is required to ensure that the exact location of the planting approved is known to ensure that the completed development is satisfactory, to provide biodiversity enhancements in accordance with the Strategy for Nature SPG, and is carried out within a reasonable timeframe.

INFORMATIVES

In respect of Condition 5 and the proposed planting scheme, the site formerly contained glasshouses and there is therefore potential for contaminants in the soil. It is therefore advised that any landscaping scheme submitted for the site avoid the use of fruit trees, or other consumable plants.

In addition, in respect of the wild flower meadow, it is advised that the Wildflower Meadow Guidance is reviewed. this can be found on the Planning Service's website at https://www.gov.gg/planning_building_permissions, under 'Wildlife friendly gardens and buildings and wildflower meadow advice'.

OFFICER'S REPORT

Site Description:

The application site consists of a detached dwelling-house that has been extended over time. To the rear of the dwelling lies a rectangular shaped area of agricultural land which once was covered by glasshouses. The glasshouses were cleared around the late 1990s/early 2000s. Towards the rear of the site lies a detached packing shed which appears to have originally served the former glasshouses.

The site lies in a Main Centre Outer Area as designated in the Island Development Plan. The dwellinghouse is located within a row of residential properties located on the south side of La Route du Braye. An industrial estate, designated as a Key Industrial Area, is located to the south and west of the land to the rear of the site, with a Key Industrial Expansion Area located between that estate and the site to the west. The site to the south is an established industrial use and that to the west is under development. The land to the east comprises open agricultural land, part of which, c40m to the east, is designated as Housing Allocation land.

Relevant History:

Application site

PRCN/1996/0481	Utilize area of land for the parking of cars	Refused
PAPP/1995/4190	Utilize area of land for the parking of cars (retrospective)	Refused
PAPP/1995/2665	Residential development	Refused

Adjacent site to west (C00839A000)

FULL/2021/2298	Erect 18 light industrial units with associated parking and landscaping, alterations to vehicle access and erect signage – together with subsequent variations	Approved

Existing Use(s):

Agriculture

Brief Description of Development:

Planning permission is sought to change the use of agricultural land to domestic garden. The agent has stated that the land in question relates to an area of approximately 1,185sqm.

The application has been accompanied by a landscaping scheme in an attempt to address the Strategy for Nature (2020).

The application was deferred over the indication of fruit trees to be planted as part of the proposed landscaping scheme. It is understood that there is potential for the site to be contaminated due to its former use as a horticultural site and the historic presence of glasshouses. The agent has agreed to omit the fruit trees from the proposed landscaping scheme.

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

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

Strategy for Nature (2020) Supplementary Planning Guidance

Representations:

None.

Consultations:

The Office for Environmental Health and Pollution Regulation's comments:

I have reviewed the proposed plans for the change of use from agricultural to domestic garden which were received by email on 2nd June 2025. Apologies for the delay in responding.

There is potential for contamination on this land due to its former use as a growing site and the historic presence of glasshouses. Should the applicant intend to grow consumables on this land, we recommend that they consider the potential for contamination and the associated risks.

In addition, I would also recommend that the following discovery strategy condition is attached to the consent:

- *If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until the developer has submitted a method statement to the Authority to identify, risk assess, and address the unidentified contamination, and has obtained written agreement from the Authority for the works to proceed. Any subsequent development must be carried out in accordance with the conclusions and recommendations of the approved report.*

Summary of Issues:

- Whether the change of use of land is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

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 (B) (Agriculture Outside of the Centres – outside the Agriculture Priority Areas) states that *"Proposals for development which would result in the loss of an existing farmstead, agricultural buildings or land will be supported where the proposed new use accords with the other relevant policies of the Island Development Plan*". Policies GP1 and GP15 are considered below.

The application site is not located within an Area of Biodiversity Importance or within an Agriculture Priority Area (APA) as defined in the Island Development Plan.

The application does not propose to remove any established boundary treatments.

Given that the area of land is setback from the road, sited behind built development, and is surrounded by industrial land and buildings to the south and west, together with the designation of the open land a short distance to the east as a housing allocation site, it is regarded that the proposed area of domestic curtilage could not reasonably contribute to a wider area of open land when viewed at ground level, or from a spatial analysis perspective, for the purposes of Policy GP1 and GP15. Due to the character of the surrounding area, there is no overwhelming benefit to ensure that the existing packing shed is removed from the site in this particular situation, given the industrial character of the surrounding area, particularly as it could be useful for domestic purposes.

In addition, agricultural use of the land would be limited, potentially by the size of the site, but particularly as the site is known to have contained glasshouses which is likely to have led to the presence of contaminants in the ground. Due to the likelihood of the land being contaminated, it is considered necessary and reasonable to attach a planning condition to reflect Environmental Health's comments.

There would be no requirement to restrict the exemption rights afforded to the householder to manage future development of the land due to the characteristics and land uses of the surrounding area.

The proposal would not cause undue harm to the amenities of neighbouring residents due to the relationship to neighbouring properties, particularly as the proposed area of garden would border agricultural land to the east.

The impact on the landscape character and open land has been considered under the provisions contained within Policy GP15 above. In summary, the change of use alone would not have a detrimental impact to the landscape character and open land of the surrounding area when considering its relationship to neighbouring land uses, designations and built form. The proposal would not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area. Overall, the development is compliant with Policy GP1.

The agent has included a number of biodiversity enhancements to take into account the Strategy for Nature (2020) Supplementary Planning Guidance of which includes;

- New boundary planting.
- Wild flower meadow and pollinator patch.
- Hedgehog house.

As set out within the Environmental Health comments, the use of fruit trees is discouraged due to the potential for contaminants in the ground. On that basis the agent has agreed the fruit trees will be omitted from the detailed scheme, to be replaced by other species. The provision of biodiversity enhancements is otherwise appropriate and can be managed by planning condition. The specifics and location of plants as shown on the drawing should be addressed by condition. It is encouraged that the wildflower meadow is of native species, as set out within the Wildflower Meadow Guidance provided on the Authority website.

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.

Date: 17/07/25