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 (2,610sqm) and associated works.

LOCATION: Walnut Grove, La Mazotte, Vale.

APPLICANT: Mr & Mrs P Bewey

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: 25/07/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/05/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd - 6542/A/1

Application Ref: FULL/2025/0825

Property Ref: C014380000

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) Notwithstanding the details shown on the approved plan, prior to any planting commencing, full details of all trees and hedges to be planted in the exact positions shown on drawing Ref: 6542/A/1, including the species, size and density of plants at the time of planting, together with full details of the bird boxes and their location shall be submitted to and approved in writing by the Authority.

(b) The hedges and trees shall be planted and the bird boxes installed in accordance with the details agreed under the terms of criterion (a) above, by the end of the first planting season following the grant of this planning permission (by 31st March 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 - 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 24/07/2028 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/2025/0825
Property Ref:	C014380000
Valid date:	19/05/2025
Location:	Walnut Grove La Mazotte Vale Guernsey GY3 5JL
Proposal:	Change of use of agricultural land to domestic garden (2,610sqm) and associated works.
Applicant:	Mr & Mrs P Bewey

RECOMMENDATION - Grant: Planning Permission with Conditions:

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OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached residential property situated in the southeast corner of the site with associated residential curtilage immediately to the north and northwest. Beyond the residential curtilage is agricultural land. Surrounding the site the area comprises residential properties to the north, east, south and southeast with an agricultural field to the west. The site is accessed along a driveway to the southwest corner linking to La Mazotte in this direction.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2017/2960	Erect garden shed and domestic greenhouse.	Granted 29/12/2017
FULL/2017/2814	Vary condition 5 on FULL/2017/1829 to require the submission of a desktop study in relation to contaminated land.	Granted 15/12/2017
FULL/2017/1829	Demolish existing packing shed and erect a dwelling.	Granted 20/10/2017
FULL/2017/0648	Convert existing packing shed into dwelling.	Granted 22/05/2017

Policies considered most relevant:

OC5(B): Agriculture Outside of the Centres – Outside the Agriculture Priority Areas
GP1: Landscape Character and Open Land
GP8: Design
GP15: Creation and Extension of Curtilage

Consultation:

Office of Environmental Health and Pollution Regulation

I have reviewed the proposed plans for the change of use of agricultural land to domestic garden. Apologies for the delay in responding.

Having reviewed the history of the site namely a growing site and the historic presence of several glasshouses and having regard to previous applications I am content that any potential contamination issues have previously been address.

As such I have no comments to make on the application.

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter.

Conclusion/Brief comment:

The IDP sets out that there is support for the loss of an existing farmstead, agricultural building or land where the new use accords other relevant planning policies in the Island Development Plan. This provides a policy gateway for the change of use proposed.

The area of land is well associated with the existing dwelling and is not located within an Agriculture Priority Area or Area of Biodiversity Importance. The boundaries of the site are clearly defined with well-established tree and hedge planting. Surrounding the site the land is in separate ownership to Walnut Grove and the agricultural land that is the subject of this application. To the south of the site the property Kylesku has recently being granted planning permission for an extension to the curtilage to include the land to the west.

Although the proposal does include the removal of a section of earthbank this currently demarcates the existing curtilage within the site and would not be visible from the surrounding area. Although this could have an impact on biodiversity, the proposal includes additional planting and biodiversity enhancements (assessed further within the report) that would outweigh any harm.

The Island Development Plan recognises there is a balance between protecting open and agricultural land and other legitimate uses Outside of the Centres. The designation of the Agriculture Priority Area represents the Island's most valuable

agricultural area. In this instance, given that the land is outside of the Agriculture Priority Area, the balance would not be towards protecting this land for agricultural purposes.

With regard to the impact on neighbouring properties, the proposal involves a change of use of an area of land to be included and managed as part of the residential curtilage and given the location of the land in relation to neighbouring residential properties and that adequate boundary screening is proposed, the proposed change of use would not of itself have an adverse impact on or affect their amenities.

It is considered that the change of use would accord with Policy GP15 a)- e) and provided that the proposal accords with all other relevant policies of the IDP, the principle of change of use to domestic curtilage is considered to be acceptable in this particular location.

The site is hidden from public vantage points by the existing boundary screening surrounding the site, the landscaping will also be enhanced as part of the biodiversity enhancements and the site does not contribute to a wider area of open land. For these reasons, the proposal would not undermine the wider landscape character or the openness of the area in accordance with Policy GP1.

As domestic garden normal householder exemption rights would apply and it is reasonable to consider whether it is necessary to remove any householder exemption rights in this case. Given the location of the land, the existing boundary screening and that the land is hidden from view from the surrounding area it is not considered necessary to remove any householder exemption rights in relation to the change of use of land proposed.

Following a review of the planning history for the site when the residential dwelling was built all land contamination issues relating to the land were resolved and the relevant conditions of the permission discharged. OEHPR was consulted on the application and raised no objection.

Although the site is not located in an Area of Biodiversity Importance, in line with the States' Strategy for Nature, 2020, which has been adopted as Supplementary Planning Guidance, the application must be accompanied by information demonstrating environmental benefits in respect of biodiversity that will be incorporated should planning permission be granted. This should relate to biodiversity benefits within the proposed area of domestic garden.

The application drawings show enhancements proposed including part of the site to be maintained as enhanced grassland allowing natural species to grow and prosper, new native hedging, the planting of trees and the installation of bird boxes and bug hotels. This offers good opportunities for biodiversity enhancements which will be secured by condition. As such therefore, the scheme accords with the aims of the Strategy for Nature. The submitted drawings do not however, include full details

(e.g. densities, size of plants etc) and so these details and the implementation of the landscaping scheme should be managed by condition.

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.

In view of the above it is recommended that planning permission is granted for the change of use of land proposed.

Recommendation:
Grant with Conditions [x]

Date: 24/07/2025