

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 (1,289.7m) and erect replacement shed to north of site.

LOCATION: Sospel, Rue De La Rocque, Torteval.

APPLICANT: Mr D Stopher and Miss C Masterton

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: 28/07/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/05/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7907-01 B1A

Application Ref: FULL/2025/0861

Property Ref: G003940000

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, within three months of the date of this permission a landscaping scheme incorporating full details of additional tree, and hedge planting including planting schedules, noting the species, sizes, numbers and densities of plants shall be submitted to and approved in writing by the Development & Planning Authority.

b) The landscaping scheme approved under a) above shall be fully completed, in accordance with those details, 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 - To ensure that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020 SPG.

Expiry Date: This permission will cease to have effect on 27/07/2028 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



PLANNING APPLICATION REPORT

Application No: FULL/2025/0861
Property Ref: G003940000
Valid date: 27/05/2025
Location: Sospel Rue De La Rocque Torteval Guernsey GY8 0PH
Proposal: Change of use of agricultural land to domestic garden (1,289.7m) and erect replacement shed to north of site.

Applicant: Mr D Stopher and Miss C Masterton

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) Notwithstanding the details shown on the approved plan, within three months of the date of this permission a landscaping scheme incorporating full details of

additional tree, and hedge planting including planting schedules, noting the species, sizes, numbers and densities of plants shall be submitted to and approved in writing by the Development & Planning Authority.

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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 SPG.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Sospel' is a mid-20th century dwelling which was extended in the early 21st century. The dwelling is set back from and faces south onto Rue de La Rocque, there are neighbouring properties to the east and west and south across the road. The south end of the property is fairly level and the north end of the site falls away to the north quite steeply. The north end is agricultural land at present, but has been maintained as a domestic garden since around 2006, with mown areas and paths and lots of mature shrubs and trees. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Agricultural use class 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:

OC5(B): Agriculture Outside of the Centres – outside the Plan Agriculture Priority Areas

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

GP15: Creation and Extension of Curtilage.

Conclusion/Brief comment:

Initially this application was erect a replacement agricultural store to the north of the site (within the agricultural area), however, once a site visit was undertaken it became obvious that the land had been used as a domestic garden for some time, as there is more than one shed and a few seating areas dotted about the land. The property has since changed hands and the new owners wish to regularise the land, hence a change to the application to include a change of use. A CLU is not possible due to the change in ownership.

Now, since the deferral, the application is for a change of use of agricultural land to domestic garden (1,289.7sqm) and to erect a replacement shed to north of the site.

The replacement shed will be slightly larger than the existing, but it is considered appropriate and acceptable in its location, which cannot be viewed from any public vantage points.

The extension of curtilage is also not considered to be contentious due to the steep topography of the site and the fact that both neighbours on either side have already extended their curtilage, meaning there is a precedent in place to allow this extension.

The biodiversity enhancements include the creation of a new compost heap and the installation of some bird boxes. However, given the extent of land involved in the curtilage extension it is considered that further enhancements are required in order to fulfil the Strategy for Nature requirements. This can be controlled by an appropriately worded planning condition.

The proposals are considered to achieve a good standard of design, the scale and massing of the new shed is not considered to have a detrimental effect on the character and amenity of the surrounding landscape, nor will it have any impacts on either of the immediate neighbours.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 28/07/2025