

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 (1,640sqm).

LOCATION: Dove Cottage, Les Ruettes, St. Andrew.

APPLICANT: Mr & Mrs G Gavey

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: 09/09/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/05/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: SOUP Architects: 391_100 (1).

Application Ref: FULL/2025/0879

Property Ref: K001340000

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 breaking of ground shall commence on site and the change of use hereby approved shall not be implemented 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 change of use is implemented 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 change of use hereby permitted shall not be 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.A landscaping scheme detailing planting schedules including the species, sizes at the time of planting, numbers and densities of plants shall be submitted to and agreed in writing by the Authority prior to 31/12/2025.

Reason - In the interests of visual amenity and biodiversity.

6.The landscaping scheme shall be fully completed, in accordance with drawing 391_100(1) and as updated by the details approved under condition 5, in the first planting season following the discharge of condition 4. 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.

Expiry Date: This permission will cease to have effect on 08/09/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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>.

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/2025/0879
Property Ref: K001340000
Valid date: 28/05/2025
Location: Dove Cottage Les Ruettes St. Andrew Guernsey GY6 8UQ
Proposal: Change of use of agricultural land to domestic garden (1,640sqm).

Applicant: Mr & Mrs G Gavey

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 breaking of ground shall commence on site and the change of use hereby approved shall not be implemented 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 change of use is implemented 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 change of use hereby permitted shall not be 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. A landscaping scheme detailing planting schedules including the species, sizes at the time of planting, numbers and densities of plants shall be submitted to and agreed in writing by the Authority prior to 31/12/2025.

Reason - In the interests of visual amenity and biodiversity.

6. The landscaping scheme shall be fully completed, in accordance with drawing

391_100(1) and as updated by the details approved under condition 5, in the first planting season following the discharge of condition 4. 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.

INFORMATIVES

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>.

OFFICER'S REPORT

Site Description:

The western section of the site consists of a detached hipped roof dwelling fronting onto the highway, Les Ruettes, with associated detached outbuilding, garden and parking. To the rear (east) of this is a former horticultural site which has since been cleared, except for a small single storey shed and some hard surfacing, and returned to an area of open and undeveloped agricultural land which is laid to grass and is the subject of this application. The western section of the south boundary is bounded by residential properties, the eastern section of the south boundary and the entire east and north boundaries are bounded by undeveloped/agricultural land (the adjoining land associated with Havilland Hall is recognised as agricultural land). To the west of the site is Les Ruettes. Les Ruettes is a narrow rural/semi-rural lane predominantly bounded by earth banks and lined by a mix of residential properties and undeveloped/agricultural land. The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

31/08/2021 – FULL/2021/1184 – Application refused for the change of use of agricultural land to domestic garden (8566 sqm).

13/11/2020 – FULL/2020/0768 – Application refused for the change of use of agricultural land to domestic garden.

28/11/2019 – FULL/2019/2223 – Permission granted to erect 1.5 storey detached garage and studio.

21/06/2019 - FULL/2019/0998 – Permission granted for variations to plans previously approved to extend and alter dwelling - reduce size of proposed ground floor extension and first floor balcony and alteration to fenestration, omit pool room and erect 2 sheds. Alteration to domestic garden as previously permitted.

09/04/2019 - FULL/2019/0438 – Permission granted to extend and alter dwelling, install first floor balcony, rooflights and alterations to fenestration, erect fencing and change of use of agricultural land to domestic garden.

02/04/2019 - FULL/2019/0466 – Permission granted for alterations to existing vehicular access, create earthbanks, erect pillars and gate to west boundary.

Existing Use(s):

Agriculture use class 28
Residential use class 1

Brief Description of Development:

Planning permission is requested for the change of use of a parcel of agricultural land measuring 1,640sqm to domestic land.

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 GP15: Creation and Extension of Curtilage

Representations:

One letter of representation on behalf of La Societe, main points as follows:

- La Societe remain concerned over the reclassification of agricultural land to domestic land, however, as the Island Development Plan currently permits such applications, La Societe seek to optimize ecological gains where possible.

- We were unable to view the application during the 21 day period and therefore cannot determine if any biodiversity measures were included or if they were adequate in relation to the scale of the proposed curtilage extension.
- La Societe would be able to assist with matters relating to biodiversity such as to arrange surveys or provide suitable recommendations on how the land could be enhanced in terms of its ecological value.

Consultations:

The Office of Environmental Health and Pollution Regulation, 03/07/2025

"I have reviewed the proposed plans for the change of use from agricultural land to domestic garden which were received by email on 4th June 2025.

Having reviewed historic mapping and Cadastre records, I am concerned about the potential for contaminated land at the site. The records show that heated glass houses were once located on site, and as has been found in other similar sites across Guernsey, these often give rise to lead contamination. 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 contaminated is suitably addressed, I would recommend that the full phased contaminated land condition is attached to the consent:

Please note this is one condition with multiple sub-sections:

(i) No breaking of ground shall commence on site 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>”.

Summary of Issues:

The main issue in deciding this application is the impact on the landscape character and openness of the area.

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).**

Planning permissions were granted in 2019 to extend and alter the dwelling and to erect a detached garage and studio. As part of these applications permission was granted to change the use of a section of agricultural land measuring approximately 800sqm to domestic garden, which included the clearance of the former glasshouse site to the rear (east) of the dwelling. Subsequent applications in November 2020 (FULL/2020/0768) and August 2021 (FULL/2021/1184) for the change of use of the remaining parcel of agricultural land measuring approximately 8,566sqm to domestic garden were refused. The applications were refused on account of the harm to the landscape character and openness of the area, contrary to Policies GP15 and GP1. This current application relates to an area of land measuring 1,640sqm.

The proposal to change the use of the land to a domestic use falls to be considered principally under Policies OC5(B), GP15 and GP1 of the Island Development Plan.

Policy OC5(B) states that proposals resulting in the loss of agricultural land will be supported where the new use accords with other relevant policies.

The site is not within an Area of Biodiversity Importance or an Agriculture Priority Area, no existing boundary features are proposed to be removed and the proposed change of use would not of itself have an adverse impact on or affect the amenities of neighbouring residents.

With regards to the impact on the landscape character and openness of the area, the land is partially visible from the public highway Les Ruettes to the north-west across the adjoining field. In conjunction with the field to the north, the land forms an area of open land which visually provides an important break in ribbon development along the lane and positively contributes to the rural/semi-rural character of the area. In addition, if the pine trees to the east are thinned or removed in the future the land could form part of a much larger swathe of open and undeveloped land.

Policy GP15 acknowledges that there is a balance to be struck between ensuring the reasonable protection of open land and the reasonable expectations of landowners to add new or additional land to the curtilage around a building. Policy GP1 sets out that in assessing development proposals, the Authority will balance the character of the locality concerned with the aspirations for development. In this case, the proposed extension to the domestic curtilage would far exceed the plot size of the majority of dwellings in the surrounding area, however, it would not project beyond residential properties to the south and it would retain a substantial area of undeveloped/agricultural land to the east. On balance, the proposal achieves a reasonable balance between the protection of open land and the reasonable expectations of landowners to add new or additional land to the curtilage around a building. Hedge and tree planting is indicated to define the east and north boundaries of the extended domestic curtilage which would provide a suitable physical boundary between the domestic and agricultural uses. 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 proposed soft landscaping and other measures including the planting of native trees and hedges along the east and north boundaries and the creation of wildflower pollinator areas would provide proportionate biodiversity enhancements, taking into account the size of the area of land involved. Precise planting details can be requested by condition, in this respect it is noted that additional plants may be required along the east boundary as planting densities would typically be at the rate of 4 plants per linear metre in double staggered rows.

To address issues raised by the Office of Environmental Health and Pollution Regulation regarding the potential for contaminated land, it is recommended that details of further site studies and if necessary site investigations and remedial works are provided, this can be dealt with 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.

It is recommended that the application is approved.

Date: 05/09/2025