

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 (2,300sqm).

LOCATION: La Reque, Rue A Chiens, St. Sampsons.

APPLICANT: Mr & Mrs Malley

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: 09/10/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/06/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: SOUP Architects Ltd: 445_100(PL1).

Application Ref: FULL/2025/0880

Property Ref: B01520A000

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.A revised landscape scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority by 31/12/2026:

- i) planting schedules, noting the species, sizes, numbers and densities of trees and plants; and
- ii) a land management scheme for the wildflower areas.

Reason - In the interests of biodiversity and visual amenity.

4.The landscape and land management scheme shall be fully completed, in accordance with drawing number 445_100 (PL1) and as updated by the details agreed under the terms of the above condition 3, in the next planting season following the grant of this permission, i.e. by 31/03/2027. 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 biodiversity and visual amenity.

5.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no gate, fence, wall, shed, garage, other outbuilding or car port (Class 1: Sections 12, 14 and 16) (other than any hereby expressly permitted) shall be erected, constructed or placed on any part of the hereby approved extended domestic land.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

6.If, during any development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the applicant has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

Expiry Date: This permission will cease to have effect on 08/10/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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

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/2025/0880
Property Ref: B01520A000
Valid date: 17/06/2025
Location: La Reque Rue A Chiens St. Sampsons Guernsey GY2 4AD
Proposal: Change of use of agricultural land to domestic garden (2,300sqm).

Applicant: Mr & Mrs Malley

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. A revised landscape scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority by 31/12/2026:

- i) planting schedules, noting the species, sizes, numbers and densities of trees and plants; and
- ii) a land management scheme for the wildflower areas.

Reason - In the interests of biodiversity and visual amenity.

4. The landscape and land management scheme shall be fully completed, in accordance with drawing number 445_100 (PL1) and as updated by the details agreed under the terms of the above condition 3, in the next planting season following the grant of this permission, i.e. by 31/03/2027. 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.

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5. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no gate, fence, wall, shed, garage, other outbuilding or car port (Class 1: Sections 12, 14 and 16) (other than any hereby expressly permitted) shall be erected, constructed or placed on any part of the hereby approved extended domestic land.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

6. If, during any development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the applicant has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

INFORMATIVES

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

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested for the change of use of a parcel of agricultural land measuring 2,300sqm to domestic land associated with the dwelling Le Reque.

The site comprises of a semi-detached dwelling to the west fronting onto Rue A Chiens with a parcel of agricultural land the subject of this application to the rear (east) of the dwelling. The site is bounded to the south by the St Sampson's Cemetery, to the east by agricultural land and to the north by a derelict horticultural site. The site is located Outside of the Centres.

Relevant History:**B1520**

18/07/2023 – FULL/2023/1019 – Permission granted to demolish extension and outbuildings, erect single storey extension to east (rear) elevation and erect 2 sheds to south of property.

03/02/2020 – FULL/2019/2449 – Permission granted to sub-divide property into two dwellings, extend on ground floor and 1st floor. Remove hedge and change of use of agricultural land to domestic.

Existing Use(s):

Agricultural use class 28

Residential use class 1: dwelling house

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:**

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

Consultations:

The Office of Environmental Health and Pollution Regulation, 20/08/2025

“My apologies for the time it has taken to respond to your consultation on this application. I have now reviewed the proposed plans for a change of use of agricultural land to domestic garden at the above site.

I have interrogated the States’ Digimap system and records, which show that heated and cold glasshouses were historically located on the land parcel which is proposed for domestic usage. This previous use of the land means there is the potential for land contamination to be present and I have concerns that there could be contamination of metals, hydrocarbons and pesticides from this historic use. Other sources of contamination could also be present.

I would advise that the applicant is made aware of this potential risk, and I recommend that the following condition is attached to any granted permission:

- If, during any development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the applicant has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

I would also recommend that the following informative is attached to any granted permission:

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

Conclusion/Brief comment:

The proposal to extend the domestic curtilage falls to be considered principally under Policies GP15 and GP1 of the Island Development Plan.

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.

The land the subject of this application is partially visible from the St Sampson's Cemetery to the south and forms part of a wider area of undeveloped agricultural land to the east and north, and which has the potential to become more open on the removal of the adjoining glasshouse to the north. However, due to its siting adjacent to the cemetery to the south, the land does not project into an area of wholly undeveloped land. Provided that the overall open and undeveloped nature of the land is retained, the proposed change of use of the land may not have a significant adverse effect on the openness and landscape character of the area. To minimise the impact on the openness and landscape character of the area, it is recommended that exemptions rights for fences, walls, sheds and outbuildings is revoked. On balance, 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 landscaping including the planting of native trees and hedging and the creation of wildflower areas has the potential to provide proportionate biodiversity enhancements, precise planting details can be requested by condition. To ensure that appropriate biodiversity enhancements are achieved in a timely manner, it is recommended that the proposed landscaping scheme is completed by the end of the next planting season, i.e. by 31/03/2027.

To address the concerns raised by The Office of Environmental Health and Pollution Regulation about the potential for contaminated land, it is recommended that a condition and note is applied to the decision notice to advise of the potential risks and to undertake remediation measures should contaminants be found.

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.

Recommendation:

Grant with Conditions



Date: 07/10/2025