

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 (1,345sqm).

LOCATION: Oakleigh Cottage, Rue du Preel, Castel.

APPLICANT: Mr & Mrs M Paige

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: 12/09/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/06/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Strategic Planning & Property Ltd - Soup - 513_010

Application Ref: FULL/2025/1036

Property Ref: D007750000+D00775A000

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.The landscaping scheme shall be fully completed, in accordance with the details shown on Plan 513_010 (date stamped received 20/08/2025), by the end of the next planting season following the grant of consent (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 - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

5.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 - 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 11/09/2028 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/2025/1036
Property Ref: D007750000+D00775A000
Valid date: 26/06/2025
Location: Oakleigh Cottage Rue du Preel Castel Guernsey GY5 7DP
Proposal: Change of use of agricultural land to domestic garden (1,345sqm).

Applicant: Mr & Mrs M Paige

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. The landscaping scheme shall be fully completed, in accordance with the details shown on Plan 513_010 (date stamped received 20/08/2025), by the end of the next planting season following the grant of consent (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 - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

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

OFFICER'S REPORT

Site Description:

The application site comprises a detached dormer bungalow situated to the south of Rue du Preel with an area of agricultural land to the east. Surrounding the site the area comprises residential properties of mixed building types to the north and west, a glasshouse site to the south, with the mushroom farm further south and agricultural land to the east.

The site is situated Outside of the Centres and is within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

Property and garden area

FULL/2013/2597	Variations to previously approved scheme - erect porch on front (north) elevation of dwelling and install new pyramid rooflight on flat roof on east elevation.	Granted 11/10/2013
FULL/2012/3442	Demolish existing extension, extend and alter dwelling at ground floor level and alter door and	Granted 17/12/2012

	window on south elevation and alter window on east elevation.	
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Agricultural land subject of this application

PAPP/2001/3101	Erect two dwellings.	Refused 31/08/2001
PAPP/1997/3283	Erect two dwellings	Refused 02/09/1997

Existing Use(s):

Residential (property and garden area);

Agricultural (land to the east of the property the subject of this application.

Brief Description of Development:

Planning permission is sought to change the use of a section of land immediately to the east of the property from agriculture to form part of the garden area associated with the property. The land in question equates to a total of 1,345m² in area.

During the course of consideration the application was deferred to seek additional planting to satisfy Strategy for Nature requirements. Additional information was received which included a maintenance statement on 20/08/2025.

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

OC5(A) – Agriculture Outside of the Centres- within the APA

GP1 – Landscape Character and Open Land

GP8 – Design

GP15 – Creations/Extension of Curtilage

Strategy for Nature

Representations:

In total three letters of objection were received, two from the representor at the same address on different dates and one from a Deputy. The grounds for objection are summarised as follows:

- The site is within the Agriculture Priority Area (APA) and the proposal will remove agricultural land;
- The report reference to the APA but no report has been enclosed;
- No biodiversity gains have been included as part of the proposal.

The application was deferred to seek additional planting and information to satisfy the requirements of the Strategy for Nature SPG. Additional information was received, and the representors were re-notified and given a further 14 days to provide any further comments. No further representations were received.

Consultations:

Office of Environmental Health and Pollution Regulation

By letter dated 10/09/2025 stated the following:

“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.

In addition, I would also recommend that the following condition is attached to any consent granted for this application:

- 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.*

I would be grateful if these issues are considered during the determination of this application.”

Summary of Issues:

The main considerations in this application include:

- Principle of development
- Strategy for Nature
- Impact of extension of curtilage on landscape character and neighbouring 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).**

The IDP recognises that agriculture plays a relatively small part in Guernsey's economy but is valuable for its land management function protecting and enhancing the countryside and providing visual access to open space.

The Strategic Land Use Plan requires a balance to be made between the protection of land for agriculture for the industry's current and future needs and recognising the role it plays in countryside management with ensuring land is available to meet other legitimate development requirements. The Island Development Plan has therefore identified large areas of contiguous agricultural land, and other areas well related to established agricultural operations, which represent Guernsey's most valuable agricultural land. These have been identified as Agriculture Priority Areas (APA). The Agriculture Priority Areas are not intended to safeguard the land for agricultural use if it is not appropriate or is not required for that use, or where the inclusion of an area of land into a larger land parcel for agricultural purposes would have a negative environmental impact. Policy OC5(A) makes provision therefore, for other forms of development within the APA provided that they accord with all the other relevant policies of the Island Development Plan.

The area of land is well associated with the existing dwelling, Oakleigh Cottage. All of the boundaries of the site are clearly defined comprising a granite wall to the front (north), with large trees and hedging to the east and south, which separate the land from the agricultural land surrounding the site. The surrounding agricultural land is also in separate ownership to Oakleigh Cottage and the agricultural land that is the subject of this application. Although within the APA for these reasons combined, in this instance the land has limited potential or practical use for commercial agriculture.

The change of use would not have a significant impact on landscape character or openness, as the site is not considered to be prominent in the landscape setting, and no boundary features are to be removed. The proposed use of the land would be for domestic purposes, and, taking into account the proposed use and the relationship to surrounding residential properties, the proposal would have no adverse effects on neighbouring residents.

In respect of the Strategy for Nature, as initially submitted the application included a commitment to plant a further 5 fruit trees on the site, towards the east boundary. Given the extent of land proposed in the change of use this was not considered to be proportionate. The planting also included fruit trees providing consumable products and due the potential for the site to have contaminants stemming from its former horticultural use, OEHPR requested these to be altered to native non consumable planting.

Following deferral, a more specific and detailed planting proposal has been submitted, which includes the planting of 6 native trees, an area of wildflower planting, a composting area and bird nest boxes within one of the trees. The scheme also proposes methods in which the landscaping will be managed and maintained in the future. The landscape and biodiversity proposals now put forward are proportionate to the area of land and are considered to address the requirements of the Strategy for Nature. To ensure this is the case it is recommended that implementation of the proposed scheme is required by condition.

Given that the property already has a shed on the site and an outbuilding in the context of this site there is no requirement to remove exemption rights.

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.

The amended scheme meets the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 10/09/2025

