

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 (2,130sqm).

LOCATION: Le Vivier North, Les Salines Road, St. Sampson.

APPLICANT: Mr T Hearne

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: 25/09/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/08/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JM Design Ltd: 2308-04 PD/01; Letter dated 18/08/2025

Application Ref: FULL/2025/1337

Property Ref: B01594B000

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.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2024 (or any other Ordinance replacing or re-enacting that Ordinance), no outbuildings and no gate, fence, wall or other means of enclosure (other than any hereby expressly permitted) shall be erected, constructed or placed on any part of the site.

Reason - In view of the sensitive nature of the site, the erection of such structures as 'exempt development' may have an adverse visual impact. This condition is imposed to make sure that any proposals can be properly considered.

5.The landscaping scheme and biodiversity enhancements shall be fully completed in accordance with the details shown on the approved drawing reference 2308-04 PD/01 and the biodiversity statement contained within the agents covering letter (both date stamped received 19/08/2025), by the end of the planting season following the grant of consent (by 31st March 2026) unless otherwise agreed to any variation in writing. Thereafter the landscaping scheme and biodiversity enhancements shall be maintained and 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 a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and in the interests of biodiversity.

Expiry Date: This permission will cease to have effect on 24/09/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please note Schedule 1 Class 1 (27) of The Land Planning and Development (Exemptions) Ordinance 2023, (as amended 2024) allows the level of the domestic land to be raised subject to satisfying certain criteria. Failure to comply with the criteria would require planning permission. For the avoidance of any doubt no permission is hereby granted for any change to the ground level of any part of the site or for the storage of any piled soil.

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/2025/1337
Property Ref: B01594B000
Valid date: 19/08/2025
Location: Le Vivier North Les Salines Road St. Sampson Guernsey
GY2 4FQ
Proposal: Change of use of agricultural land to domestic garden
(2,130sqm).
Applicant: Mr T Hearne

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.

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INFORMATIVES

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OFFICER'S REPORT

Brief Description of the site:

The application site comprises an agricultural field situated to the east of a single storey flat roof dwelling which is in the process of being extended subject to application reference FULL/2024/1991. Surrounding the site, the area comprises land to the north used as allotments, and domestic land to the east and south (permissions have been previously granted to convert the land into residential

curtilage) with residential properties beyond, and residential properties to the west and northwest.

Planning permission was granted (Ref: FULL/2022/0459) to form an access track from the field the subject of this application, across the land to the north (both sites are owned by the applicant of this application) and onto Les Salines Road.

The site is enclosed by earth banks, hedges, trees, walls and fencing, and is located Outside of the Centres and the subject of no other designation under the Island Development Plan.

Relevant History:

FULL/2024/1991 - Change of use of agricultural land to domestic garden (595sqm), erect single storey extension to south (rear) elevation. Approved March 2025

FULL/2023/2213 - Demolish building and erect dwelling and associated works – Approved February 2024.

FULL/2023/0050 - Convert and extend stable/outbuilding to create dwelling, change of use of agricultural land to domestic garden (825 sqm) with landscaping and parking – Approved August 2023.

FULL/2022/0459 - Remove section of wall and form bridge over douit for vehicle access between agricultural fields – Approved May 2022.

Existing Use(s):

Residential – property and garden area
Agricultural – remaining land

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

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 GP8: Design
Policy GP15: Creation and Extension of Curtilage

Conclusion/Brief comment:

Planning permission is sought to change the use of agricultural land to form part of the domestic garden for the property Le Vivier.

Planning permission was granted to change the use of this land from agriculture to domestic curtilage in 2020 subject to planning application reference FULL/2020/1551. It is not clear however as to whether this permission was ever implemented, and it has since expired. Since the grant of that permission, permission has been granted to the applicant to convert a redundant building into a dwelling (ref: FULL/2023/0050) and to demolish and relocate the dwelling to a new more central location on the site (ref: FULL/2023/2213). As part of those permissions the land the subject of this application was declared agricultural on the approved drawings and as the latter permission has been implemented the change of use of the land as proposed is required and needs to be reconsidered.

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

The area of land is not located within an Agriculture Priority Area and is situated between frontage residential development on Le Grand Fort Road to the south and Les Salines Road to the north. The outer boundaries of the site are clearly defined. Other than the land associated with the residential property the subject of this application and the allotment site to the north, all other surrounding land is in separate ownership. The application does not require any established boundary features to be removed in connection with the change of use of the land and the land is not identified as being situated within an Area of Biodiversity Importance.

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 and given that permission has been granted previously under the same policies of the IDP to be used as domestic curtilage, 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, with the existing and proposed boundary screening to separate the land from the neighbouring properties, the proposed change of use should 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.

Policy GP1: Landscape Character and Open Land seeks to ensure that proposals do not result in the unacceptable loss of distinctive features that contribute to the wider landscape character and the local distinctiveness of the area.

Although the site is undeveloped, given its setting, with established site boundaries and adjacent development, the proposed change of use and management of the land as domestic garden would not undermine the wider landscape character or the openness of the area. Although Exemption Rights were not removed by condition on the previous applications, since their approval in 2017 and 2020, the Planning Exemptions have changed and now allow for outbuildings of up to 30m² situated more than 30m from the dwelling house to be erected (subject to satisfying other relevant criteria of the Exemption). Given that this site is visible from Le Fort to the east, such a building could have an impact on the landscape character and could impact on neighbouring properties if inappropriately sited. The erection of walls and fences could also effect the rural character and setting of this site and it is reasonable therefore to remove exemption rights relating to outbuildings and the erection of any walls or fences.

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 drawing and the agents covering letter show enhancements proposed including:

- a circa 139 linear metre earthbank to run along the extended northern boundary, eastern boundary and part of the southern boundary
 - o new native hedging will be planted on 58 linear metres of the earthbank;
 - o the remainder of the earthbank to be planted with British native perennial wildflower seed as per the wildflower meadow guidance;
- the creation of a wildflower meadow to cover circa 285m² in area;
- the planting of 12 to 14 silver birch trees planted at 1.2m in height at 3 metre centres along the southern boundary;
- enhance existing grassland habitats;
- the retention of a natural vegetation buffer along the existing doulit.

The planting proposed is native to Guernsey, is proportionate to the area of land in question and is consistent with current Guidance and will offer good opportunities for biodiversity enhancements. Subject to a condition ensuring that the planting is achieved in a timely manner (by the end of the first planting season following the grant of permission, 31st March 2026) the scheme accords with the aims of the Strategy for Nature.

It is worth noting that on site there are various piles of earth currently being stored which is likely to be due to the construction works being completed at the site. The amount of soil is unlikely to significantly increase the level of the site above that allowed by the Planning Exemptions. It is recommended however that an informative is included on the permission to advise the applicant of the relevant planning exemption to ensure that this remains the case.

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.

In view of the above and subject to the suggested conditions and informatives, it is recommended that planning permission is granted for the proposed development.

Recommendation:

Grant with Conditions



Date: 24/09/2025

