

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 (1,760sqm).

LOCATION: Woodhaven, Belval Road, Vale.

APPLICANT: Mr G Horne

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: 04/12/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/09/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plans (date stamped 17/11/25), Block Layout Plan (date stamped 26/08/2025), Biodiversity Statement (date stamped 29/09/2025)

Application Ref: FULL/2025/1383

Property Ref: C005280000

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, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no walls, fences, sheds, greenhouses, outbuildings or other buildings or structures otherwise exempt development within Class 1 of the Land Planning and Development (Exemptions) Ordinance, 2023, shall be erected or constructed on any part of the site to which this permission relates.

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.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 if identified the site when developed is free from contamination, in the interests of public health and safety.

6.The landscaping scheme/biodiversity enhancements shall be fully completed, in accordance with the details contained within the Biodiversity Enhancement and Native Planting Proposal (date stamped received 29/09/2025) and in the positions shown on the annotated block layout plans (both date stamped received 27/11/2025, by the end of the next planting season following the grant of consent (by 31st March 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 - 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.

Expiry Date: This permission will cease to have effect on 03/12/2028 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/2025/1383
Property Ref: C005280000
Valid date: 30/09/2025
Location: Woodhaven Belval Road Vale Guernsey GY3 5LS
Proposal: Change of use of agricultural land to domestic garden (1,760sqm).

Applicant: Mr G Horne

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).

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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, 2023 (or any other Ordinance replacing or re-enacting that

Ordinance), no walls, fences, sheds, greenhouses, outbuildings or other buildings or structures otherwise exempt development within Class 1 of the Land Planning and Development (Exemptions) Ordinance, 2023, shall be erected or constructed on any part of the site to which this permission relates.

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. 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 if identified the site when developed is free from contamination, in the interests of public health and safety.

6. The landscaping scheme/biodiversity enhancements shall be fully completed, in accordance with the details contained within the Biodiversity Enhancement and Native Planting Proposal (date stamped received 29/09/2025) and in the positions shown on the annotated block layout plans (both date stamped received 27/11/2025, by the end of the next planting season following the grant of consent (by 31st March 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 - 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.

OFFICER'S REPORT

Site Description:

The application site comprises a detached property situated to the north of Belval Road. The property is set behind a road frontage property and is accessed via a track along the west boundary of the site. To the east/southeast is a parcel of agricultural land.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

The residential curtilage for the property has been previously defined.

Existing Use(s):

Residential – Use Class 1 (Property, and garden area);

Agricultural – Use Class 28 (Land to east/southwest of the property)

Brief Description of Development:

Planning permission is sought to change the use of a parcel of agricultural land to form part of the domestic garden associated with the property Woodhaven.

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 GP8: Design

Policy GP15: Creation and Extension of Curtilage

Representations:

Two letters of representation have been received objecting to the proposal. The grounds for objection are summarised as follows:

- Significant works have been undertaken since the property was purchased to removed trees and shrubbery from the rear of the site, within the curtilage and along the east boundary;
- Despite the claims of future biodiversity enhancements the trees were removed without consideration to the environment and the scheme fails the Strategy for Nature;
- People enjoy the green lung this provides which would be spoilt over the next few years if permission is granted;
- The scheme would loose a parcel of green land which separates the properties along the road something that Planning have been keen to retain for years;
- The land runs front to back and has agricultural land to the rear that is farmed each year so this land could be used for such purpose;
- The photos provided are incorrect as many of the trees and ancient hedges shown have been felled affecting biodiversity;
- Young heifers now have no shelter from the wind;
- The applicant doesn't own the boundary where the trees were removed;

- Planters, pollinators wildflowers bug hotels etc are all pitiful offerings none of which will offset or replace the loss already done to the site;
- The owners have made it clear that they propose to apply for large alterations to the property, including a swimming pool;
- A swimming pool could present great environmental risks;
- In the future the application will be requesting additional houses be built on the site;
- This will enable urban creep;
- There is ample space within the existing curtilage to enable the owner to significantly extend the bungalow without the need for additional curtilage;
- Proposals to alter the bungalow and to build a second storey would alter the plot completely;
- As an agricultural worker this is a good piece of agricultural land;
- Sheltered on all sides and especially from the north this is a growers dream;
- In the UK growers grow on land not in Agriculture Priority Areas which has a meaningless designation;
- The argument that a field is small and therefore cannot be used for agriculture is unjustified the whole island is based on small unlikely fields for farmers;
- The fact that it is not currently used for agriculture does not mean that it wont be needed in the future;

Consultations:

The Office of Environmental Health and Pollution Regulation

By letter dated 29th October 2025 stated the following:

"I have reviewed the proposed plans for the change of use of agricultural land to domestic garden at the above site.

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 discovery strategy condition is attached to any granted consent:

- *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
- Impact of extension of curtilage on landscape character and neighbouring amenity.
- Strategy for Nature

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 sets out that there is support for the loss of an existing farmstead, agricultural building or land where the new use accords other relevant planning policies in the Island Development Plan. This provides a policy gateway for the change of use proposed.

The area of land is well associated with the existing dwelling and is not located within an Agriculture Priority Area (APA) or an Area of Biodiversity Importance (ABI). The northwest, southeast and east boundaries of the site are clearly defined and although part of the northeast boundary of the site is scarce (claimed by the representors due to the removal of a trees, shrubbery and a hedgerow), the applicant has confirmed that as part of the scheme an additional 200 Hornbeam hedging plants (native to Guernsey) will be planted along this aspect of the site. The replacement boundary hedge (the planting of which can be controlled by condition) will ensure that the proposal would not result in the loss of a distinctive boundary feature in line with the aims of GP1 and GP8 of the IDP. The boundaries of the site clearly separate the land from agriculture land surrounding the site and the surrounding land is in separate ownership to Woodhaven and the agricultural land that is the subject of this application.

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 APA represents the Island's most valuable agricultural area. Although it is claimed by the representors that the site would be ideal for agriculture in the future, in this instance given the nature of the land in relation to the

neighbouring properties (situated between and abutting two neighbouring properties) and that the land is situated outside of the APA, the balance would not be towards protecting this land for agricultural purposes.

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 and that adequate boundary screening already exists and is proposed to be enhanced (in parts), the change of use as proposed would 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.

Although the site is undeveloped, given its setting, surrounded by large trees, hedgerows and shrubbery, the proposed change of use of itself would not undermine the wider landscape character or openness of the area. However, whilst such screening helps to screen the site from the surrounding area and as the roadside boundary treatment in particular comprises, a mixture of trees, shrubbery and hedging, this cannot be relied on as it could die back, become diseased and be removed. As noted by the representors, the site separates properties along Belval Road and is also viewed in context with a wider area of open agricultural land situated to the north and east. In this respect, it is considered that certain types of development which do not require planning permission within domestic curtilages, as set out in The Land Planning and Development (Exemptions) Ordinance, 2023, (such as garages, outbuildings walls and fences) if inappropriately sited could have the potential to impact on the openness of the surrounding area. To protect this and to ensure that future development is appropriately considered, it is recommended that these exemptions be removed by planning condition.

In respect of the Strategy for Nature, the application includes a detailed Biodiversity Enhancement and Native Planting Proposal, which includes additional tree and shrub planting, copse planting with understory planting, an additional 200 Hornbeam plants along the northeast boundary, and the creation of wildflower meadows. In addition bird and bat boxes, bug hotels, and a composting area are proposed together with a management plan to demonstrate how the land will be managed in the future to maintain biodiversity. However, as part of the submitted information it was not clear where the proposed biodiversity enhancements would be sited on the site. The application was deferred for further information and additional plans have been received which show where the biodiversity enhancements will be located. The landscape and biodiversity proposals 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 and as to be consistent with other applications for such development it is recommended that the approved landscaping scheme/biodiversity enhancements be implemented in full by the end of the first planting season following the grant of permission. In this case, that would be 31/03/2027.

The matter of land contamination has been highlighted by the Office of Environmental Health and Pollution Regulation which could be present due to the previous use of the land. It is considered necessary to impose the land contamination condition as recommended.

The concerns raised by the representors regarding the potential for the applicant to redevelop the site for housing in the future are noted. However the site is situated Outside of the Centres where new housing is only allowed where it involves the conversion of a redundant building or the subdivision of an existing dwelling. The site under the current policies of the IDP would not be suitable for future housing development.

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.

For the above reasons and subject to the recommended planning conditions the application is acceptable in relation to the relevant policies and other material planning considerations.

Date: 04/12/2025

