

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 curtilage (660sqm).

LOCATION: Les Closios East, La Vielle Marais, Vale.

APPLICANT: Mr Andrew Goss

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: 05/12/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/09/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan (dated 10/09/25 & 24/09/25) & Block Layout Plan (A3) - received 11.11.25.

Application Ref: FULL/2025/1457

Property Ref: C016080000

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.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.

5.Notwithstanding the approved plans, no change of use shall be recognised on site until precise details of a comprehensive landscape scheme have been submitted to and agreed in writing by the Authority, a scheme with areas for biodiversity enhancement identified including, but not limited to, additional tree and hedge planting of native species, Planting density & Management.

Reason - To ensure that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

6.The planting of the landscaping scheme shall be fully completed in accordance with the details agreed (under the terms of the above condition 5) in the first planting season following the implementation of the change of use of the land or in accordance with a programme previously agreed in writing by the Authority. 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 agreed landscaping scheme for the development is completed, in the interests of biodiversity.

Expiry Date: This permission will cease to have effect on 04/12/2028 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/2025/1457
Property Ref: C016080000
Valid date: 24/09/2025
Location: Les Closios East La Vielle Marais Vale Guernsey GY3 5AN
Proposal: Change of use of agricultural land to domestic curtilage (660sqm).

Applicant: Mr Andrew Goss

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. 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.

5. Notwithstanding the approved plans, no change of use shall be recognised on site until precise details of a comprehensive landscape scheme have been submitted to and agreed in writing by the Authority, a scheme with areas for biodiversity enhancement identified including, but not limited to, additional tree and hedge planting of native species, Planting density & Management.

Reason - To ensure that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

6. The planting of the landscaping scheme shall be fully completed in accordance with the details agreed (under the terms of the above condition 5) in the first planting season following the implementation of the change of use of the land or in accordance with a programme previously agreed in writing by the Authority. 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 agreed landscaping scheme for the development is completed, in the interests of biodiversity.

OFFICER'S REPORT

Site Description:

The property known as 'Les Closios East' is a semi-detached pre-1900's one and a half storey dwelling which is located to the west of the site and faces south. The parking area is to the east of the property with the vehicular entrance coming from the southeast corner leading to La Vielle Marais and the garden (subject of this application) is north of the parking area. The attached neighbour is to the west, and there are other detached neighbours to the east and southeast and open fields to the north and southwest. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Agricultural use class 28: agriculture.

Brief Description of Development:

This application is for a change of use of agricultural land to domestic garden (1,041sqm).

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

GP1: Landscape Character and Open Land

GP4: Conservation Areas

GP13: Householder Development

GP15: Creation and Extension of Curtilage.

Representations:

There has been one letter of representation received and the issues are;

'This application for an increase in curtilage lacks sufficient information regarding net gain.'

Consultations:

The Office of Environmental Health and Pollution Regulation.

'There is the potential for contamination on this land due to its former use as a growing site and the historic presence of several glasshouses and tank. In addition, I note that the Biodiversity Statement submitted as part of the application references soil contamination with glass fragments.'

Given the limited nature of the current proposals, it would not be appropriate for me to recommend the full phased contaminated land condition. However, should more intrusive works be proposed in the future, it is likely that we would recommend the full condition.'

Whilst the land is reported to already be in use as a domestic garden, if the applicant intends to grow consumables on this land, I recommend that they consider the potential for contamination and the associated risks.'

As there remains the potential for contamination due to the issues raised above, 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.'*

Summary of Issues:

- Extent of biodiversity enhancements.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

This application is to regularise the use of the garden as domestic curtilage and not agricultural land. The glasshouses were removed between 2001 and 2004, when the land was laid to lawn, the property was extended around 2013 and the land used as a garden since at least 2016.

Initially the application was deferred because the biodiversity statement and landscaping scheme were considered to be lacking in detail and content.

The applicant said Jamie Hooper helped to advise on the biodiversity enhancements, although usually Jamie writes a report and suggests several different enhancements. However, since the deferral only a new bird box, a bug hotel and some wisteria have been added. This is considered not to be enough enhancement, therefore a condition shall be added to request additional enhancements, introduced in a timely fashion.

The land is between two other domestic gardens and is in line with them along the northern boundary. To the north is a farm and farmland, there is a mature boundary between the property and the farmland which is not to be touched.

The change from agricultural land to domestic curtilage would not have an unacceptable detrimental impact on the landscape character of the surrounding conservation area, it is not close to an area of biodiversity importance, and the land

is too small be useful for commercial agriculture. Finally the proposal would not have any adverse effects on neighbouring amenities.

In this instance the extension of curtilage is considered to be appropriate and acceptable, once further biodiversity enhancements have taken place.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 05/12/2025