

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 (4,929sqm)

LOCATION: La Maison Du Macareux, Fosse Andre, St. Peter Port.

APPLICANT: Mr & Mrs Toumazi

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: 20/05/2026

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/11/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Soup Architects - 519.100 & Biodiversity Statement

Application Ref: FULL/2025/1641

Property Ref: A102330000+A102340000

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.

5.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no extensions, sheds, greenhouses, outbuildings or other buildings or structures shall be erected or constructed within the curtilage of the dwelling to which this permission relates.

Reason - The carrying out of development of this type may cause harm in terms of the overall appearance and character of the area and its impact on the amenity of neighbouring dwellings.

6. The landscaping scheme shall be fully completed, in accordance with the details provided within the Environment Guernsey Biodiversity Statement revised Dec 2025, and plan 519.100, by the end of the 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 enhance the important open land, in the interests of visual amenity and to secure biodiversity enhancements.

Expiry Date: This permission will cease to have effect on 19/05/2029 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/2025/1641
Property Ref: A102330000+A102340000
Valid date: 03/11/2025
Location: La Maison Du Macareux Fosse Andre St. Peter Port Guernsey
GY1 2DT
Proposal: Change of use of agricultural land to domestic garden
(4,929sqm)

Applicant: Mr & Mrs Toumazi

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.

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Reason - The carrying out of development of this type may cause harm in terms of the overall appearance and character of the area and its impact on the amenity of neighbouring dwellings.

6. The landscaping scheme shall be fully completed, in accordance with the details provided within the Environment Guernsey Biodiversity Statement revised Dec 2025, and plan 519.100, by the end of the 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 enhance the important open land, in the interests of visual amenity and to secure biodiversity enhancements.

OFFICER'S REPORT

Site Description:

The property known as 'La Maison de Macareux' (formerly Grenada) first shows up on the 1873 map, and by 1898 it is a traditional detached two storey Victorian dwelling with a single storey wing either side. By the early 1990's a two storey rear extension with first floor terrace was added. The property is set back from and faces southwest onto Fosse Andre. The property also owns a large parcel of agricultural/undeveloped land to the east which is designated as Important Open Land. The property is located in the St Peter Port Main Centre Outer Area and Conservation Area as defined in the Island Development Plan.

Relevant History:

FULL/2024/0157 - Change of use of agricultural land to domestic garden (375sqm). Demolish outbuilding and extensions, erect single storey and two storey extension to dwelling, install dormer windows to north-east (rear) elevation, alterations to fenestration and erect single storey outbuilding to west boundary – Approved May 2025.

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 the agricultural land, 4,929sqm of Important Open Land, to domestic garden.

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

MC1: Important Open Land in Main Centres and Main Centre Outer Areas
GP1: Landscape Character and Open Land
GP4: Conservation Areas
GP15: Creation and Extension of Curtilage.

Representations:

Two letters of representation have been received and the issues are:

- Possible breach of conditions of previous application FULL/2024/0157, they have not been carried out.
- A change of use of nearly 5000sqm of land will have a significant adverse impact on the open character, visual quality and landscape character of the IOL contrary to Policy MC1 5 condition (c) and contravenes Policies GP1 and GP15 as detailed above.
- The trees on the land should be given preservation orders to protect them from felling as at present under any land use they can be removed.
- This should not be a circuitous way to secure a windfall housing site given the rejection of the applicants proposal to remove the Important Open Land designation from the land.
- The precedents are legally distinguishable, because both were proportionate to the size of the property, in this case the amount of land is disproportionate to the size of the house.
- Domestic sprawl and loss of agricultural land.

Consultations:

None

Summary of Issues:

- Whether the proposal would result in any unnecessary loss of Important Open Land or would impact on the open landscape character of the area;
- Whether the principle of residential curtilage extension is acceptable in this location (including whether this aspect of the proposal would have a negative impact on residential amenity or the Conservation Area);

- Impact of the change of use on the character and appearance of the area.
- Impact of the change of use 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.

Policy MC1: Important Open Land in Main Centres and Main Centre Outer Areas supports proposals for development only where:

- a) it relates to new outdoor formal recreation or informal leisure and recreation; or,
- b) it relates to the rebuilding, extension or alteration of existing buildings or structures; and,
- c) in all cases, the resultant development would not have a significant adverse impact on the open character, visual quality or landscape character of the Important Open Land.

Furthermore, Policy GP1: Landscape Character and Open Land requires consideration of whether the proposal would result in any unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of the area.

The proposal relates to the extension of the residential curtilage relating to an existing dwelling and the development in itself would not have a significant adverse effect on the visual quality or landscaped character of the area of Important Open Land. Furthermore, although the area of land in question is undeveloped, given its setting, surrounded by large trees, hedgerows and planting, the proposal would not undermine the wider landscape character or openness of the area, subject to a planning condition to limit exemption rights within the extended site.

It is considered therefore that in this respect the proposal complies with policies MC1 and GP1 of the IDP.

Policy GP15: Creation and Extension of Curtilage, of the Island Development Plan (IDP) states that: *"A proposal to create or extend curtilage will be supported where:*

- a) It would not have an unacceptable detrimental impact on the landscape character; and*
- b) It would not have an unacceptable impact on the biodiversity interest of an Area of Biodiversity Importance or, where negative impacts are unavoidable, they can be acceptably mitigated in accordance with a scheme to be agreed with the Authority in accordance with Policy GP3: Areas of Biodiversity Importance; and*

- c) *It is demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts; and*
- d) *It is demonstrated that it would not involve an unacceptable loss of established boundary features that contribute positively to the character of an area, unless the new or replacement boundary treatment makes an equal or enhanced positive contribution to the character of the area; and*
- e) *It would not adversely affect the reasonable amenities of neighbouring residents."*

In the case of the application site the area of land is well associated with the existing dwellinghouse, is not located within an Agriculture Priority Area which is the most valuable agricultural land on the island, is well screened in all directions and is bordered to the southwest by Fosse Andre and by a residential property to the north. No established boundary features are shown to be removed and given the extent that the land is already screened, the visual character or openness of the area would not change as a result of the proposal when viewed from public vantage points.

The proposal accords with the strategy for nature requirements as the scheme includes a landscaping plan which achieves an enhancement in biodiversity. The landscaping plan is very similar to that approved previously for the earlier change of use of the smaller piece of land, and as it was previously generous in its provision, it is considered adequate to provide a level of enhancements appropriate for this application.

For the above reasons a change of use to domestic garden would be acceptable within the terms of IDP Policies MC1, GP1 and GP15 so long as future developments do not change the character of the area. A condition shall be added to remove any domestic exemptions which could have a harmful impact on the area of important open land, so that planning approval is required for any such development.

This ensure that the change of use of the land into residential curtilage would not impact on the character or appearance of the surrounding Conservation Area, nor would it impact on the amenities of any nearby residential properties.

For the above reasons it is considered that the principle of the residential curtilage extension is acceptable and would not impact on residential amenity or the character and appearance of the surrounding Conservation Area.

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: 20/05/2026