

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: Rescind Condition 7 of application ref FULL/2024/1326 for conversion of packing shed to dwelling with associated garden and parking - remove requirement for new agricultural access; Variation to application ref FULL/2024/1326 - create new agricultural access to south boundary of domestic curtilage.

LOCATION: Packing shed, Hougues Magues Lane, St. Sampson.

APPLICANT: Mr & Mrs A Leadbeater

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 20/10/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room - 369 C1 G

Application Ref: FULL/2025/1643

Property Ref: B013340000

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 on or before 04/03/2028.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 05/03/2025, issued under planning application reference FULL/2024/1326, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

5. Prior to construction of the new earthbank along the south boundary of the domestic curtilage approved under FULL/2024/1326, a new field access to serve the agricultural land to the south of that curtilage shall be formed and made available for use, either in accordance with the details approved under this application or those approved to discharge the conditional appeal decision granted under PAP/011/2023. The new access shall thereafter be used to serve the agricultural land only.

Reason - To ensure the retention of access to the agricultural land.

Expiry Date: This permission will cease to have effect on 04/03/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the Authority does not recognise the presence of any existing access in the south-west corner of the site.

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/2025/1643
Property Ref: B013340000
Valid date: 20/10/2025
Location: Packing shed Hougues Magues Lane St. Sampson Guernsey GY2 4WA
Proposal: Rescind Condition 7 of application ref FULL/2024/1326 for conversion of packing shed to dwelling with associated garden and parking - remove requirement for new agricultural access; Variation to application ref FULL/2024/1326 - create new agricultural access to south boundary of domestic curtilage.
Applicant: Mr & Mrs A Leadbeater

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 on or before 04/03/2028.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 05/03/2025, issued under planning application reference FULL/2024/1326, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

5. Prior to construction of the new earthbank along the south boundary of the domestic curtilage approved under FULL/2024/1326, a new field access to serve the agricultural land to the south of that curtilage shall be formed and made available for use, either in accordance with the details approved under this application or those approved to discharge the conditional appeal decision granted under PAP/011/2023. The new access shall thereafter be used to serve the agricultural land only.

Reason - To ensure the retention of access to the agricultural land.

INFORMATIVES

For the avoidance of doubt, the Authority does not recognise the presence of any existing access in the south-west corner of the site.

OFFICER'S REPORT

Site Description:

The application site comprises a 6333sqm area of agricultural land located to the east of Hougues Magues Lane. The site access is located centrally in the west boundary, serving an area of hardcore, a small store and the packing shed which forms the subject of this application. A further small store is located to the north of the site.

The site is located Outside of the Centres in the Island Development Plan.

Relevant History:

An application for the erection of a packing shed was approved in 1990. Work was lawfully commenced on the implementation of that permission.

An application to vary the previously approved plans (ref FULL/2023/0037), altering the fenestration to all elevations, was approved in retrospect 09/03/2023.

The completed building has been built in accordance with the plans approved in 1990, with the exception of the doors and windows, which have been completed in accordance with the 2023 approved plans. Building Control issued a completion certificate 07/03/2023, confirming that the building works had been inspected and as far as could be ascertained from a visual inspection, the requirements of the Building Regulations had been satisfied.

A subsequent application (ref FULL/2023/0994) for conversion of the completed packing shed into a dwelling with associated landscaping and parking was refused 18/08/2023 for the following reasons:

- 1. The facilities provided by the building remain useful in association with the use of the land. The building has recently been constructed and is clearly capable of being used for its authorised purpose. It has therefore not been demonstrated that the building is no longer required or capable of being used for its current or last known purpose. The proposal is contrary to part (a) of Policy GP16(A).*
- 2. The creation of domestic curtilage as proposed would result in the suburbanisation of undeveloped land, resulting in unacceptable harm to the character and openness of the landscape. The proposal would therefore fail to comply with part (f) of Policy GP16(A), part (a) of Policy GP15 and the requirements of Policy GP1. As the proposal fails to comply with the relevant policies of the Island Development Plan the proposal would also fail to meet the requirements of Policy OC5(B).*
- 3. There is insufficient information to properly assess the proposal in respect of the creation of a new access in the south-west boundary, and it is not therefore demonstrated that the creation of a new access would meet the requirements of Policies GP1, parts a), b) or c) of GP8 or part b) of GP9.*

This decision was appealed under PAP/011/2023. The Tribunal allowed the appeal insofar as it related to the construction of a new vehicular access, subject to the conditions set out below, but dismissed it in relation to all other development, including the conversion of the existing building into a dwelling and the creation of a related curtilage.

Permission was subsequently granted in respect of a revised application 05/03/2025, under reference FULL/2024/1326, for conversion of the packing shed to a dwelling with associated garden and parking, subject to conditions relating to:

4. Land contamination;
5. Provision of landscaping scheme;
6. Completion of boundary earthbanks prior to occupation;
7. Formation of field access to agricultural land to south;
8. Formation of field access to agricultural land to north;
9. Completion of landscaping scheme prior to occupation;
10. Details of cladding;
11. Details and implementation of EV charge points;

12. Implementation of cycle storage prior to occupation;
13. Removal of exemption rights for fences, walls and hard surfacing.

At the time of writing work to discharge Condition 4 is ongoing and Condition 11 has been discharged.

A Building Control licence for the conversion of the packing shed to a dwelling was issued 20/05/2025, subject to conditions requiring further details of various elements of the building. Attached conditions have been partially discharged.

A further application to vary the above approval to change the use of agricultural land to extend the approved domestic garden was refused 01/09/2025 (ref FULL/2025/0981).

Existing Use(s):

Agricultural Use Class 28 – The permission granted under FULL/2024/1326 has not yet been implemented.

Brief Description of Development:

Permission is sought to vary the works previously approved for conversion of the packing shed at the site to form a dwellinghouse with associated garden, forming a new access in the southern boundary of the approved curtilage to provide access to the agricultural land from the central site access.

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

OC5(B)	Agriculture Outside of the Centres – outside of the Agriculture Priority Areas
GP1	Landscape Character and Open Land
GP8	Design
GP16(A)	Conversion of redundant buildings
IP9	Highway Safety, Accessibility and Capacity

Representations:

One letter of representation has been received raising concerns regarding the manner in which a dwellinghouse has been allowed at this site and noting that the new dwelling would be served by the existing driveway and there is no need to provide further access across a field.

Consultations:

None undertaken.

Summary of Issues:

Whether appropriate agricultural access would be retained;
Impacts on the character of the area;
Impacts on road safety.

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).**

As existing there is access from the central site access on to the agricultural land to the south albeit that, following construction of the packing shed, this access is limited and awkward.

The creation of a new access in the south-west corner of the agricultural land was allowed as part of the appeal decision under PAP/011/2023. That decision would allow the creation of the new access irrespective of any wider development on the site, subject to discharging the attached condition:

“Prior to commencement of the development hereby permitted, full details of the new access to be formed in the west site boundary to serve the agricultural land to the south of the existing main access to the site shall be submitted to and agreed in writing by the Authority. The new access shall be formed in accordance with the approved details and may thereafter be used to serve the agricultural land only.”

The appeal decision would therefore, in effect, allow for two accesses to the agricultural land. The attached condition has not however been discharged and no new access has been formed in the allowed location to date.

The subsequent approval for change of use of the packing shed and associated creation of curtilage under FULL/2024/1326 would have removed all access to the remaining agricultural land to the south of the site, unless the access allowed by the appeal was implemented. That permission was therefore conditioned as follows:

“Prior to construction of the new earthbank along the south boundary of the domestic curtilage hereby approved, a new field access to serve the agricultural land to the south of that curtilage shall be formed and made available for use, in accordance with details approved to discharge the conditional appeal decision granted under PAP/011/2023.”

The current permission proposes to vary the permission for change of use of the packing shed to allow the formation of a new access to the agricultural land, from the central site access. This proposal would essentially maintain the existing access arrangement, albeit relocated forward on the site, would not have any significant

impacts on the character of the area. The proposal would retain the status quo in respect of usage of the existing access. With the exception of the omission of a small section of earthbank and hedging along the side of the driveway to allow for the formation of the proposed access point, the landscape scheme is as previously approved, albeit with limited re-positioning of trees to allow for the access point.

Given this new provision, there would no longer be a requirement for the access in the south-west corner of the site to be implemented, and Condition 7 can be rescinded. A new condition should however be attached to any permission issued under this decision to ensure that either the access now proposed, or that allowed by the appeal, is implemented prior to construction of the earthbank along the south boundary of the domestic curtilage, to ensure some form of access is maintained to that land.

Whilst the proposal could, in effect, result in the creation of two accesses to the agricultural land, should the access allowed by the appeal be implemented as well as that now proposed, this would essentially comprise the same scenario as allowed by the Appeals Tribunal and it would not be reasonable to remove the permission granted by the appeal in this circumstance.

In light of the above, the proposal accords with the purpose of the Law, material considerations and relevant planning policies and it is recommended that Condition 7 of the permission issued under FULL/2024/1326 is rescinded and that the decision is conditioned to control the following:

- The access is to be used for agricultural purposes only;
- The access, or that allowed under the appeal, is implemented prior to the construction of the new earthbank to the south boundary of the domestic curtilage.

Other matters

The submitted plans refer to “*Retain existing overgrown access*”. For the avoidance of doubt the Authority does not recognise an existing access in the indicated location and this should be removed from the plans.

In considering the application submitted under FULL/2023/0994, the planning officers report stated: “*There is no evidence of a former access in the south-west corner of the site, and there is a change of levels between the road and the site, with a continuous bank located along the boundary. Permission would therefore be required to create an access in this location*”.

When considering the appeal of that decision under PAP/011/2023, the Appeals Tribunal came to the same conclusion, noting: “*The appellants wish to open up what they claim to be an existing, albeit overgrown access from the lane close to the south-west corner of the southern field (ie outside the proposed curtilage). The photographs of the location provided by the Parties and the aerial photographs are insufficiently clear to show whether an access once existed, or what form it may have*

taken. Similarly, it was far from clear from the site visit that an access once existed. Mr Leadbeater suggested that there is a dropped kerb indicating the entrance alongside the lane, but the tribunal found that to be inconclusive”.

As stated above, clear evidence of an historic access has not been presented and even were such evidence forthcoming, there is clearly not an existing access now and planning permission would be required for the formation of any such access unless implemented under the permission granted by the Appeals Tribunal.

Date: 01/12/2025

