

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 (1,689sqm).

LOCATION: Aston Place, La Folie Lane, Vale.

APPLICANT: Mr A Dorey

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: 12/03/2026

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/10/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7743-05/B1B & /B2B.

Application Ref: FULL/2025/1657

Property Ref: C01219A000

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.Prior to 31/12/26 a landscaping scheme to include the location of each species proposed, along with the size, number and density of the plants/trees shall be submitted to and agreed in writing by the Authority.

Reason - To ensure satisfactory biodiversity enhancements.

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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 ensure a satisfactory external appearance in the interests of visual amenity and to secure biodiversity enhancements.

6.Contaminated land

Please note this is one condition with multiple sub-sections:

(i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study

in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)(c) of this condition that any remediation scheme required and approved under the provisions of subsection (i)(c) of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i)(c) of this condition.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

Expiry Date: This permission will cease to have effect on 11/03/2029 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The applicant is advised that the conditions relating to Application FULL/2023/0917 remain pertinent.

With reference to condition 6, a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the

responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

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/2025/1657
Property Ref: C01219A000
Valid date: 31/10/2025
Location: Aston Place La Folie Lane Vale Guernsey GY3 5SE
Proposal: Change of Use of agricultural land to domestic garden (1,689sqm).

Applicant: Mr A Dorey

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. Prior to 31/12/26 a landscaping scheme to include the location of each species proposed, along with the size, number and density of the plants/trees shall be submitted to and agreed in writing by the Authority.

Reason - To ensure satisfactory biodiversity enhancements.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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.

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and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)(c) of this condition that any remediation scheme required and approved under the provisions of subsection (i)(c) of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i)(c) of this condition.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

INFORMATIVES

The applicant is advised that the conditions relating to Application FULL/2023/0917 remain pertinent.

With reference to condition 6, a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

OFFICER'S REPORT

Site Description:

The application site is occupied by a semi-detached, one and a half storey pitched roof dwelling which is situated to the north of La Folie Lane. The property is located Outside of the Centres as defined by the Island Development Plan.

Relevant History:

Refused application:

FULL/2024/1121- Sub-divide dwelling to create 2 dwellings and associated works

FULL/2025/1206- Sub-divide dwelling to create 2 dwellings and associated works (revised scheme)

Approved applications:

FULL/2024/0567- Erect 2x single storey extensions to north (rear) elevation and alter window to door to south (front) elevation.

FULL/2023/0917- Change of use of agricultural land to domestic garden (339 sq.m.), erect 1.5 storey extension to side, single storey extension and extend at 1st floor level to north (rear) elevation. Create agricultural vehicle access.

Existing Use(s):

01 Dwellinghouse

Brief Description of Development:

Planning permission is requested to change the use of approx. 1,689sqm of land from agricultural land to residential garden in association with the use of the dwelling, Aston Place.

Application FULL/2023/0917 approved the change of use of agricultural land to domestic garden, and the erection of extensions to the side and rear, along with a dedicated separate agricultural access. This application was implemented and the side extension constructed.

Application FULL/2024/0567 approved further extensions to the dwelling which have now been partially constructed.

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

Policy GP1: Landscape Character

Policy GP5: Protected Buildings

Policy GP8: Design

Policy GP15: Creation and Extension of Curtilage

Representations:

Six neighbour letters have been received; the concerns raised have been summarised:

- No baseline study of biodiversity has been undertaken;
- The retention of the hardstanding will not enhance biodiversity;
- The proposed tree species are not native, and the proposed lawn area does not include details for biodiversity uplift.
- None of the conditions applied in previous applications have been complied with,
- The change of use of the land to garden would make it easier to subdivide the dwelling in the future, manipulating planning laws. Applicant intends to develop the site further for housing.
- Sets a local precedent;

- Designation as garden would be out of keeping with surrounding agricultural use;
- The continued presence of the large concrete pad raises questions over future intentions;
- Change of use will result in harm to biodiversity on site;
- The plans indicate the redundant packing shed and concrete base will be retained, this is in contravention of the requirements of FULL/20232/0917;
- The application states that the land can not be used for agriculture however this is not the case as surrounding fields are in agricultural use.

La Societe has also raised concern regarding the appropriateness of the conversion of agricultural land, and highlighted that the proposed sycamore and sweet chestnut are not native species and should be replaced. Also that the planting of Early Purple Orchid would not be successful as native orchids require established permanent grassland habitat to grow, and cannot be transplanted, and so the proposal is not feasible.

Consultations:

The Office of Environmental Health and Pollution Regulation:

I have reviewed the proposed plans for the change of use of agricultural land to domestic garden at the above site. There is an issue of concern that I must raise.

The land at this site has been previously identified by this department as potentially contaminated due to the presence of materials within the soil that are reported to originate from the demolition of the glasshouses and / or building works at the site. Furthermore, the historical presence of glasshouses and several tanks at this location raises additional concerns that the ground may be contaminated with substances such as lead, hydrocarbons, and pesticides. Other sources of contamination could also be present.

Given that the proposal involves the loosening and levelling of ground and the planting of fruit trees, I would recommend that the full contaminated land condition be applied to any consent granted for this application to ensure that the potential for contamination is assessed at this site and where appropriate, remediation carried out to ensure that any future land use is free from contamination.

Please note this is one condition with multiple sub-sections:

- *(i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:*

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM)

and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and *unless otherwise agreed in writing by the Authority,*

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, *unless otherwise agreed in writing by the Authority,*

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)(c) of this condition that any remediation scheme required and approved under the provisions of subsection (i)(c) of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

- a. as built drawings of the implemented scheme;*
- b. photographs of the remediation works in progress;*
- c. certificates demonstrating that imported and/or material left in situ is free from contamination.*

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i)(c) of this condition.

Informatives/Advice Notes

*With reference to condition **XX** a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.*

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

I would be grateful if these issues are considered during the determination of this application.

Summary of Issues:

- Principle of the development
- Extension of curtilage
- Other matters – Inc impact on protected building and contaminated land.

Assessment against:

Proposed Change of Use:

It is proposed to change the use of the existing agricultural land located to the north and east of the dwelling to domestic garden.

This area of agricultural land and the land immediately to the north is a former glasshouse site. Policy OC7 was therefore engaged in application FULL/2023/0917 which changed the use of a smaller parcel of land and required, by condition, the removal of the remaining glasshouses and all ancillary structures.

The application was deferred due to concerns regarding the inclusion of the redundant packing shed and area of concrete hardstanding on the proposed plans as their removal formed a requirement of the approval of FULL/2023/0917, and should be removed entirely prior to first use of the extension.

The agent has now removed these from the plans. Under the previous application the existing outbuilding (marked as a store) was to be retained and converted for residential storage and this was considered acceptable.

As a result, Policy OC7 which requires sites to be cleared of glasshouses and ancillary structures, is no longer engaged but the sites clearance is still required by the condition 6 of FULL/2023/0917. This clearance is not required until the occupation of the extension has occurred, and so the applicant is not in breach of this condition. It is not considered appropriate or reasonable to re-apply this condition to the current application.

As the proposal includes a change of use of this agricultural land to domestic garden, Policy GP15 applies. This states that the extension of curtilage will be supported where:

- a) It would not have an unacceptable impact on the landscape character
- b) It would not have an unacceptable impact on the biodiversity interest of an Area of Biodiversity Importance.
- c) It is demonstrated that the land cannot positively contribute to the commercial agricultural use of an APA or cannot practicably be used for commercial agriculture within an APA without unacceptable adverse environmental impacts; and,
- d) It is demonstrated that it would not involve an unacceptable loss of established boundary features which contribute positively to the character of an area, unless the new or replacement boundary treatment makes an equal or enhanced contribution to the character of the area
- e) It would not adversely affect the reasonable amenities of neighbours.

The site is not within an Area of Biodiversity Importance (ABI) and is not within an APA. In light of this, the change of use to residential garden is not considered to have an unacceptable impact on the landscape character. The views of the site from the road in the wider landscape are interrupted by the presence of residential development located to either side, and the change of use is not considered to harm the wider landscape character.

No significant established boundary features will be lost, and the impact of the change of use on neighbours is not considered to be any more harmful to neighbours than the existing agricultural use in terms of the potential for noise or disturbance. The proposal is therefore considered to be in accordance with Policy GP15 of the IDP.

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.

The site is identified in the 2018 Habitats Survey of Guernsey as dense scrub and bare ground. The application's biodiversity statement proposes the planting of three new fruit trees along with a woodland to the area with 10 new native trees and a section of native hedging to the west boundary. Representors have raised concern that the proposed species, such as sycamore and sweet chestnut which are not native, and so alternative species have been provided.

This landscaping will provide the necessary biodiversity enhancements and be secured by condition, and therefore the scheme accords with the aims of the Strategy for Nature.

Impact on protected buildings:

The Authority has a duty under Section 34 of the Land Planning and Development (Guernsey) Law, 2005, to secure so far as possible that the special interest of a protected building is preserved, and with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special attention to the desirability of preserving the protected building's special characteristics and

setting. With regards to the setting of protected buildings, this duty is encapsulated in Policies GP5 and GP8.

The site is situated within the vicinity of protected buildings to the east of the site, taking into account that the proposal involves a change of use of land to garden, the scheme would not harm the setting of any nearby protected building. The proposal accords with Policies GP5 and GP8 in respect of its impact on the setting of protected buildings.

Other matters:

Environmental Health have assessed the proposal and advised that the land is likely to be contaminated due to the previous glasshouse use. A condition to address this has been applied on this basis.

The representations have raised concerns over the loss of biodiversity and lack of a baseline study, however there is no formal requirement for a survey to be undertaken, and the proposal includes sufficient enhancements required in line with the Strategy for Nature.

Concern is also raised over the precedent set by the application and future intentions of the applicant to subdivide/develop the site further for residential use, however, every application is considered on its own merits and is judged against the relevant policies which apply at the time of the application.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include: the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; the likely effect on roads and other infrastructure, traffic and essential services; any possible fall-back position by way of extant planning permissions or exempt development; and the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no impact on protected trees, monuments or buildings. The site is not within or adjacent to a SSS.

It is concluded that the scheme accords with the aims of Policies GP1, GP8, GP9, GP13 and GP15 of the Island Development Plan and it is recommended that the application is approved.

Date: 12/03/2026