

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 (1,187sqm).

LOCATION: Merton House, Route De St Andrew, St. Andrew.

APPLICANT: Ms Fielding

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: 25/03/2026

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/12/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture Ltd - 2563-01/02.01B.

Application Ref: FULL/2025/1983

Property Ref: K004510000+K004520001

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. A revised landscape scheme, to include planting schedules noting the species, sizes, numbers and densities of trees and plants to be planted, shall be submitted to and agreed in writing by the Authority by 31/12/2026.

Reason - In the interests of biodiversity and visual amenity.

4. The landscape scheme shall be fully completed, in accordance with drawing number 2563-01/02.01B and as updated by the details agreed under the terms of the above condition 3, in the next planting season following the grant of this permission, i.e. by 31/03/2027. 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 - In the interests of biodiversity and visual amenity.

Expiry Date: This permission will cease to have effect on 24/03/2029 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

There is potential for contamination on this land due to its former use as a growing site and the historic presence of glasshouses. Should the applicant intend to grow consumables on this land, it is recommended that they consider the potential for contamination and the associated risks.

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/2025/1983
Property Ref: K004510000+K004520001
Valid date: 18/12/2025
Location: Merton House Route De St Andrew St. Andrew Guernsey
GY6 8TX
Proposal: Change of use of agricultural land to domestic garden
(1,187sqm).

Applicant: Ms Fielding

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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. A revised landscape scheme, to include planting schedules noting the species, sizes, numbers and densities of trees and plants to be planted, shall be submitted to and agreed in writing by the Authority by 31/12/2026.

Reason - In the interests of biodiversity and visual amenity.

4. The landscape scheme shall be fully completed, in accordance with drawing number 2563-01/02.01B and as updated by the details agreed under the terms of the above condition 3, in the next planting season following the grant of this permission, i.e. by 31/03/2027. 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 - In the interests of biodiversity and visual amenity.

INFORMATIVES

There is potential for contamination on this land due to its former use as a growing site and the historic presence of glasshouses. Should the applicant intend to grow consumables on this land, it is recommended that they consider the potential for contamination and the associated risks.

OFFICER'S REPORT

Site Description:

The site comprises of a detached two storey property sited to the north-west of Route De St Andrew. The property is set back off the road with an access to the south-east and a shared access to the south-west. The property has parking to both the front and rear. The site is located Outside of the Centres.

Relevant History:

20/02/2015 – FULL/2015/0012 – Application refused to extend domestic curtilage.

Existing Use(s):

Agricultural use class 28
Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested for the change of use of a parcel of agricultural land measuring 1,187sqm to a domestic garden associated with the dwelling Merton House.

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 GP15: Creation and Extension of Curtilage

Representations:

One letter of representation was received from La Societe Guernesiaise, main points as follows:

- Concerned over the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan permits the consideration of such applications, we seek to optimise ecological gains wherever possible.
- The land appears to have been managed in a relatively sympathetic manner over the years with various existing features to support biodiversity. However, whilst there are outline proposals for new biodiversity measures, they do not include sufficient detail to determine if they are of sufficient scope or extent.
- Concerns raised about the use of Creeping Willow which is associated with sand dunes and fenlands, recommends Grey Willow (*Salix cinerea*) as an alternative.
- The scope for additional biodiversity measures may be limited but it is advised that La Societe would be able to assist with matters relating to biodiversity measures, for example to arrange surveys and to provide recommendations of how the land could be enhanced in terms of its ecological value by native planting and ongoing maintenance.

Consultations:

The Office of Environmental Health and Pollution Regulation, 20/01/2026

"I have reviewed the proposed plans for Merton house which were received on 9th January 2026 and I wish to raise the following informative comment.

There is potential for contamination on this land due to its former use as a growing site and the historic presence of glasshouses. Should the applicant intend to grow consumables on this land, I recommend that they consider the potential for contamination and the associated risks.

Furthermore, should the owner submit a future application to develop the land it is probable that this department will request a full contaminated land condition due to its former use as a growing site and historical presence of glasshouses".

Summary of Issues:

The main issue in deciding this application is the impact on the landscape character and openness of the area.

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 proposal to extend the domestic curtilage falls to be considered principally under Policies GP15 and GP1 of the Island Development Plan.

The site is not within an Area of Biodiversity Importance or an Agriculture Priority Area, no existing boundary features are proposed to be removed and the proposed change of use would not of itself have an adverse impact on or affect the amenities of neighbouring residents.

The land the subject of this application is situated to the rear of the existing dwelling and neighbouring dwellings which front onto Route De St Andrew and it is not prominent in public views from the highway. Due to the layout and extent of built development and associated curtilages of neighbouring properties to the north-east, the land does not project into an area of wholly undeveloped land and it does not form part of a wider area of open land. As a result, the proposed change of use of the land is unlikely to have a significant adverse effect on the landscape character of the area, in accordance with Policies GP15 and GP1.

During the course of consideration revised landscape details were submitted with the aim of providing an enhancement to biodiversity. The revised landscape details including the removal of the north-west boundary fence and its replacement with a native hedge, planting along the extent of trees canopies and around trees and the retention of existing planting, trees and shrubs has the potential to provide proportionate biodiversity enhancements. Precise planting details can be requested by condition. To ensure that appropriate biodiversity enhancements are achieved in a timely manner, it is recommended that the proposed landscaping scheme is completed by the end of the next planting season, i.e. by 31/03/2027.

To address the concerns raised by The Office of Environmental Health and Pollution Regulation about the potential for contaminated land, it is recommended that a note is applied to the decision notice to advise of the potential risks.

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.

It is recommended that the application is approved.

Date: 23/03/2026

