

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 (420sqm), erect shed and covered pergola to north boundary and erect shed and fencing to south boundary (retrospective)

LOCATION: Garden Plot, 3 Belmont Terrace, Havelet, St. Peter Port.

APPLICANT: Mr T Jones & Mrs J Pendleton

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: 03/09/2026

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/06/2026 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan, Photos, Drawings 1 ,2, 3, Bioiversity Report, Sustainable Development & Waste Management Statement

Application Ref: FULL/2026/0848

Property Ref: A407430000+A407400000

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.a) Notwithstanding the Biodiversity Report Plan submitted, within three months of the date of this permission a detailed landscaping scheme of the planting and other biodiversity measures undertaken incorporating full details of tree and hedge planting, including planting schedules, noting the species, sizes, numbers and densities of plants and other biodiversity measures described in the Biodiversity Report Plan shall be submitted to and approved in writing by the Development & Planning Authority.

b) Within three months of the date of this permission details of any further planting and biodiversity measures now proposed, incorporating full details of tree and hedge planting, including planting schedules, noting the species, sizes, numbers and densities of plants shall be submitted to and approved in writing by the Development & Planning Authority, unless no further biodiversity enhancement measures are deemed necessary by the Development & Planning Authority.

c) The details approved under parts a) and b) above shall be fully implemented during the first planting season following approval. 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 interest having regard to the Strategy for Nature SPG.

Expiry Date: This permission will cease to have effect on 02/09/2029 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/2026/0848
Property Ref: A407430000+A407400000
Valid date: 15/06/2026
Location: Garden Plot 3 Belmont Terrace Havelet Havelet St. Peter Port
Guernsey GY1 1BA
Proposal: Change of use of agricultural land to domestic garden
(420sqm), erect shed and covered pergola to north boundary
and erect shed and fencing to south boundary (retrospective)

Applicant: Mr T Jones & Mrs J Pendleton

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).

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Reason - In the interests of biodiversity interest having regard to the Strategy for Nature SPG.

OFFICER'S REPORT

Site Description:

The property known as '3 Belmont Terrace' is a mid-terrace two and a half storey dwelling which is slightly set back from and faces south onto Havelet. The attached neighbours are to the east and west and beyond the small rear gardens the land rises (to the north) the rear boundary is a high granite wall leading to an agricultural plot (the land then steps up again behind that). The property is located in the St Peter Port Main Centre and Conservation Area as defined in the Island Development Plan.

Relevant History:

FULL/2024/0886 – Demolish section of wall to create pedestrian access and external steps to north boundary of property – Approved June 2024.

Existing Use(s):

Residential use class 1: dwelling house.
Agricultural use class 28: agriculture.

Brief Description of Development:

This is a retrospective application for a change of use of the higher agricultural land to the rear of the four properties in Belmont Terrace (420sqm) along with the erection of a small shed and pergola against the northern boundary wall and a summerhouse and some fencing along the south boundary wall.

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

GP4: Conservation Areas

GP5: Protected Buildings (Setting)

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

GP15: Creation and Extension of Curtilage.

Representations:

There have been 5 letters of representation in support of the application and 2 letters objecting, both from the same source.

Supporting letters:

Support for Retention of the Garden

Strongly supports the continued use of the site as a garden, highlighting the significant improvement from an unused grass strip to a well-maintained, sustainable space. The garden enhances the appearance and character of the area, is in keeping with neighbouring plots, has no adverse impact on roads, transport or neighbouring properties, and uses appropriate materials and design that positively contribute to the locality.

Enhancement to Havelet Character

Describes the garden as a beautiful and tranquil space that enhances the character of Havelet. They praise the care and effort invested by the owners and note that the natural timber structures, including the pergola and shed, complement and add charm to the garden.

Ecological and Biodiversity Benefits

Supports the garden as an example of the successful restoration of a neglected site. They emphasise its value as an ecological garden that promotes biodiversity and maximises the environmental potential of previously unused land.

Historic Garden Use

The land has historically been used as a garden, dating back at least to the 1980s. Neighbours recall its use for growing vegetables and as a recreational area for children and note that following the Brewery redevelopment it continued to be made available for residents' garden use.

St Peter Port Douzaine - The Douzaine supports the application for the regularisation of the land as domestic garden land. Both access points appear to be limited in width, being approximately 1 to 1.2 metres wide, and are constrained in a manner that would make meaningful agricultural use impractical.

The Douzaine also noted that the land is being managed sensitively and respectfully, with regard to neighbouring properties and local wildlife. In our view, the continued use of the site as a garden contributes positively to the biodiversity, character and ambience of this part of the parish.

The Douzaine's support is based on its observations of the site, the physical characteristics of the land and access arrangements, and the apparent compatibility of the current use with the surrounding residential environment.

Objecting letters.

- The land is wholly unsuitable for use as a domestic garden, this is to do with its height above the levels of the houses and its close proximity to the houses themselves.
- The development of the garden constitutes a profound loss of outlook and amenity, with considerable overlooking.
- There is an issues with the fencing, which is against the south boundary, heightening the oppressive sense of enclosure.
- The next issue is light pollution, moveable lighting has already been installed and should the application be approved then there is little doubt that full permanent garden lighting will follow. This would cause significant issues to the rooms at the back of the house.
- The section of wall which was removed to let the owners have direct access from their property now give a direct line of sight to the new pergola and from the land into our courtyard.
- Th land stretches across the close rear of and significantly raised above all four properties on Belmont Terrace. The level of harm in planning terms on amenity, amenities, overlooking, overbearance, poor design and clear intensions of future uses totally goes against the grain of the Guernsey planning legislation.

In addition to the neighbours comments they have also had Strategic Planning and Property Ltd write in to reiterate their comments and concerns.

Consultations:

None.

Summary of Issues:

- Principle of the proposed change of use
- Impact of the change of use on the character and appearance of the Conservation 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.

Usually for 'change of use from agricultural land to domestic garden' applications there is a policy in the Island Development Plan (IDP) that deals with existing agriculture in the relevant area, however, there are no agriculture policies for the Main Centres or Main Centre Outer Areas.

The reason the land is considered to be agricultural is because initially when the terracing of the hillside occurred in the later part of the 1800's, the terraces were filled with glasshouses. As soon as any glasshouse is removed from the land the use of that land reverts back to an agriculture use. The glasshouse had been removed from the site by the early 1960's. The St Peter Port Conservation Area Appraisal notes the application site as part of an area of 19th Century horticulture (Vineries, often enclosed by high stone walls).

The letters of support note that the land has been used for growing and garden/offered as garden associated with recent developments in the locality, however without an application for change of use or Certificate of Lawful Use application the lawful planning use would remain as agricultural land.

Policy GP15: Creation and Extension of Curtilage has several criteria which must be complied with. In this case criteria b. (ABI) and c. (APA land) are not relevant. Criteria d. relates to the removal of boundary features which is not applicable in this case. An approved pedestrian access exists from the garden at no. 3 Belmont Terrace to the application site, it is noted that the construction of the steps does not comply with the approved plans (one flight of steps approved, two flights incorporating a landing as built – a minor change to that previously approved scheme) but this does not alter the assessment of the current application that no boundary features are to be removed.

The site forms the edge of the Escarpment Landscape Character as set out in Annex V of the IDP. This feature is an inland “fossil” cliff forming the northern and western edges of the Upland Plateau. The site is within the Val des Terres Character Area where the properties in the terrace are noted as building of merit. The area is characterised predominantly by residential development comprising Victorian cottages and villas of varying styles, generally two storeys in height, with changes in land levels allowing additional floors or stepped development along the hillside. The character of the area includes strong enclosure created by buildings, boundary walls, hedges and railings, with mature vegetation and hillside trees. Properties are generally well-spaced within terraced gardens, contributing to the areas attractive and distinctive historic character. The landscape character, in this case, is one of a green hillside which has been terraced with high granite retaining walls. The two higher terraces further north are within the ownership of No.42 Hauteville.

The change of use of land to a domestic garden, with the high boundary enclosures retained, is not considered to have an unacceptable detrimental impact on the landscape character of this hillside in accordance with criteria a).

The site is not within or close to an area of Biodiversity Importance. However, the biodiversity enhancements already carried out on the site are considered to be exemplary; a wildlife pond has been added, an area for wildflowers to flourish, fruiting and flowering trees have been planted, pollinator rich flower beds and vegetable growing areas, as well as bat boxes, bird feeding stations and bug hotels have all been introduced.

The planting carried out on the land does not amount to development but the measures shown in the submission would proportionately address the requirements of the Strategy for Nature Supplementary Planning Guidance. The drawings provide an overview of the areas of planting and species used but does not include plant sizes, numbers and densities in order for the Planning Service to secure retention over time and replacement within a 5 year period if removed/die etc. It is reasonable therefore, to impose a detailed landscaping scheme condition plus its retention.

With regard to the impact on neighbouring properties, the proposal involves a change of use of an area of land to be included and managed as part of the residential curtilage. The Character Appraisal notes how properties in Havelet often have terraced gardens but also noting mature vegetation. In urban areas, and particularly the case for two-storey terrace housing, there is always an element of mutual overlooking from the properties into the neighbours gardens, especially from first floor windows.

The comments and concerns relating overlooking and loss of privacy are noted and a perception of overlooking resulting from the change of use could occur although its use for its authorised and unrestricted agriculture/horticultural use would afford the same views south towards the rear of properties in Havelet. The distance separation between the application site and rear of properties in Havelet is a common arrangement between properties/gardens for a central location such as this. The western end of the proposed garden is laid out with a pond and growing area.

Criteria d. also covers new/replacement boundary treatments and how they should make an equal or enhanced contribution to the character of the area. Temporary trellis fencing has been put up along the south boundary wall to help with privacy until the planting, hedge plants, shrubs and bushes, have been able to grow up to create natural screening. It must be noted however that planting cannot be controlled to be retained at a specified height in order to offer a satisfactory means of providing privacy screening.

The open design of the trellis and the fact it is viewed in the context and backdrop of granite walls is such that it would not result in harm to the wider Conservation Area. Although concerns have been raised through the consultation process about the effect of the trellis on the lower garden area of properties in Belmont Terrace it is noted that these gardens are enclosed by high granite walls (c.3m high to the north). The modest height open trellis above (c.0.8m) would not result in unacceptable harm to amenities in terms of overshadowing nor in terms of aspect and outlook. The trellis is considered appropriate as a means of providing a greater level of privacy, however the application has said the trellising is temporary. The trellis is not considered essential as a privacy screen given the layout of the garden as shown on the application drawings and relationship between the garden and neighbouring properties. Ultimately it will be a matter between the applicant and the neighbour as to whether the trellis remains as a temporary or more permanent feature.

In this instance the change of use of the land from agricultural use to domestic garden is considered to be appropriate and acceptable.

Ordinarily the removal of exemption rights should be considered but in this case the ordinarily exempt structures already exist, in the form of two outbuildings and a covered pergola. These are single-storey, would not result in overshadowing of neighbouring properties or harm to the character of the Conservation Area. Concerns raised relating to loss of privacy from the pergola are noted but this building is set well away (+15m) from the main rear façade neighbouring properties. Although the pergola provides some weather protection, use is expected to be seasonal and weather dependent, with greater use during warmer months and limited use during winter. Occupation would be intermittent rather than continuous, and it is highly improbable that it would be used throughout every daylight hour. The built development proposed is therefore not considered to result in unacceptable harm to residential amenity that would warrant the refusal of permission.

None of the works that are the subject of this application will result in unacceptable adverse effects on the setting of the adjacent Protected Building.

The application is acceptable in relation to the above policies and other material planning considerations and the recommendation is one of an approval.

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.

There may have been a breach of the previous application on the orientation of the steps up to the application site, but a minor amendment would have alleviated the situation. Aside this the breach of a different application has no bearing in this application.

Date: 03/09/2026