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 (675sqm) and associated works.

LOCATION: Les Martins & Keithley Vinery, Les Martins, St. Sampson.

APPLICANT: Mr R De Garis

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: 11/09/2026

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/07/2026 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Site Location Plan, Application Block Layout Plan (20/08/2026) and Biodiversity Enhancement Statement

Application Ref: FULL/2026/0881

Property Ref: B017800000+B01780B000

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) Prior to the 31st December 2026, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:
i) full details of tree and hedge planting;
ii) planting schedules, noting the species, sizes, numbers and densities of plants;
iii) details of the seed mix proposed for the wildflower meadow and details of its management/mowing regime;
iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

b) The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the date of this decision, 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 that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

Expiry Date: This permission will cease to have effect on 10/09/2029 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-
Please find enclosed information relating to the creation of wild flower meadows.

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

States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No:	FULL/2026/0881
Property Ref:	B017800000+B01780B000
Valid date:	02/07/2026
Location:	Les Martins & Keithley Vinery Les Martins Les Martins St. Sampson Guernsey GY2 4XW
Proposal:	Change of use of agricultural land to domestic garden (675sqm) and associated works.
Applicant:	Mr R De Garis

RECOMMENDATION - Grant: Planning Permission with Conditions:

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INFORMATIVES

Please find enclosed information relating to the creation of wild flower meadows.

OFFICER'S REPORT

Site Description:

Les Martins is a detached two-storey house with granite front façade, slate roof and multi-pane sash windows. The property is set back from the highway with a granite roadside wall. The property has been extended/altered to the rear. An accessway exists in the south garden boundary to the agricultural land beyond, which was formerly part of Keithley Vinery.

Land to the immediate south of properties fronting Les Martins is open and undeveloped agricultural land albeit unused given its clearance in connection with the construction of three dwellings on the wider Keithley Vinery site. The boundaries of properties surrounding the application site are marked by a mixture of banks/landscaping to the north of the agricultural land and fencing to the west. Earthbanks have been erected on the existing agricultural land in connection with application reference FULL/2026/0783 but at the time of the site visit the banks shown to separate the application site from building plot 3 were not constructed.

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

Relevant History:

Les Martins

The access between the garden and agricultural land does not seem to appear on any aerial photographs available to the Planning Service. If the access was formed through the removal of a hedge this would not have represented exempt works and permission would have been necessary.

Keithley Vinery

FULL/2024/0731 - Extend, alter and subdivide horticultural building to create 3 dwellings, alterations to vehicle access and associated works and change of use of agricultural land to domestic garden – granted

There have been a number of subsequent variation applications and applications to extend/alter the approved buildings.

FULL/2026/0783 - Change of use of agricultural land to domestic garden (800sqm) (part retrospective), erect single storey outbuilding/garage to south boundary and associated works to unit 2 – under consideration

Existing Use(s):

01 dwellinghouse
28 agriculture

Brief Description of Development:

The application relates to the change of use of agricultural land to domestic garden (675sqm) to the rear of Les Martins.

As originally submitted a written description of biodiversity measures was included. Following the deferral of the application this information was translated to a plan to show an area of orchard, new native hedgerow and an area of wildflower meadow. The applicant also confirmed that the east and south boundary which is currently open to building plot 3 at Keithley Vinery will be planted with native trees/hedgerow and that the hedgerow to be planted on the existing southern earthbank will be undertaken by the developer (so in relation to the biodiversity measures required for plot 2 (although the cost of which will be shared between Les Martins and the developer) but new native planting is indicated to be provided on the inside of that earthbank, within the application site.

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

OC5(B): Agriculture Outside of the Centres – Outside the Agriculture Priority Areas
GP1: Landscape Character and Open Land
GP15: Creation and Extension of Curtilage

Representations:

La Societe Guernesiaise - remains concerned over the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan currently permits the consideration of such applications, we seek to optimize ecological gains in such cases wherever possible.

Whilst the application includes some biodiversity measures, which we welcome, we wish to point out that there are insufficient details to determine if the proposals are appropriate, for example, in terms of true nativeness or extent. Further, without knowing the ecological value of the current site, we cannot be sure that any existing habitats and associated wildlife would be safeguarded and enhanced.

If this application is considered further, we would recommend that the site is assessed by a suitably qualified person in order to determine its current ecological value. Any subsequent mitigation measures would need to consider existing biodiversity and ensure that net gain is secured.

Consultations:

Agriculture Countryside and Land Management Services - note that this site has recently been granted planning permission under FULL/2024/0731, the permission for which included a requirement for enhancements to biodiversity which are to be achieved through the delivery of a landscaping scheme (condition 10).

The approved site plan included the delivery of biodiversity enhancements on the areas of
retained agricultural land which are now the subject of this application. As such, we recommend that the baseline for this subsequent application to achieve an enhancement in biodiversity considers the scheme of the previous application as a baseline,
and any biodiversity enhancement must first demonstrate that the landscaping proposed to be lost within this application can be mitigated for with enhancements delivered above that.

We welcome the biodiversity enhancement statement and the intention to create a wildflower meadow and undertake planting, however as these are already enhancements due to be delivered within the extant planning permission, they do not represent an enhancement.

We note that the site is not within an Agricultural Priority Area. However, the requested area of change of use is not inconsiderable (675sqm) and, due to the location of the proposed
extension of domestic curtilage, it would render the agricultural land to the east difficult to
manage and would reduce the value of the retained agricultural land, which would be reduced in size. This may also pose difficulties in managing the remaining area to the east as a meadow, which we understand is a condition of the previous planning permission to ensure an enhancement in biodiversity can be achieved.

Summary of Issues:

The key issue in this case relates to the principle of the change of use of land, the effect of the change of use on the wider landscape character and on residential amenity. Consideration must be given to the planting/biodiversity measures and whether these would provide a biodiversity enhancement in this case.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The IDP sets out that there is support for the loss of an existing farmstead, agricultural building or land where the new use accords other relevant planning policies in the Island Development Plan. This provides a policy gateway for the change of use proposed.

The area of land is well associated with the existing dwelling, Les Martins, and is not located within an Agriculture Priority Area or Area of Biodiversity Importance. The west, north and most of the south site boundaries are clearly defined. Based on the aerial photographs available it appears that an element of the north site boundary (between the garden of Les Martins and the agricultural land) may have been cleared in order to facilitate access between the two parcels of land however this was not a specific distinctive feature that contributed to the wider landscape character.

The Island Development Plan recognises there is a balance between protecting open and agricultural land and other legitimate uses Outside of the Centres. The designation of the Agriculture Priority Area represents the Island's most valuable agricultural area. In this instance, given that the land is outside of the Agriculture Priority Area, the balance would not be towards protecting this land for agricultural purposes.

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 and given the location of the land in relation to neighbouring residential properties and that adequate boundary screening separates the land from the neighbouring properties, the proposed change of use would not of itself have an adverse impact on or affect their amenities.

It is considered that the change of use would accord with Policy GP15 a)- e) and provided that the proposal accords with all other relevant policies of the IDP, the principle of change of use to domestic curtilage is considered to be acceptable in this particular location.

Given the location of the site and established site boundaries the proposal would not undermine the wider landscape character or the openness of the area in accordance with Policy GP1.

In line with the States' Strategy for Nature, 2020, which has been adopted as Supplementary Planning Guidance, the Development and Planning Authority has directed that from 01 September 2021 all applications involving the change of use of agricultural land to domestic garden must be accompanied by information demonstrating environmental benefits in respect of biodiversity that will be incorporated should planning permission be granted. As originally submitted the information provided was not sufficient to demonstrate a proportionate increase to biodiversity on the site. The additional information provided on a plan would however, demonstrate how these enhancements would be achieved and where. The precise details of numbers/densities etc can therefore be managed by planning condition and including a condition limiting the period within which the landscaping works will be completed by (in this case 31st March 2027). This is to ensure that the biodiversity enhancements approved as part of the application are carried out within a reasonable amount of time after the implementation of the change of use, which is considered to occur in practical terms immediately after the grant of permission.

In view of the above it is recommended permission is granted.

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; any possible fall-back position by way of extant planning permissions or exempt development; 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 adverse impact on protected trees, buildings or sites.

Date: 04/09/2026