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 (1,536sqm).

LOCATION: Kings Mills House, King's Mills Road, Castel.

APPLICANT: Mr & Mrs S Hall

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: 14/10/2026

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

Drawing Nos: Steve de Vial: Block Layout Plan, Pond Specification Details

Application Ref: FULL/2026/1087

Property Ref: D003700000

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 the 31 December 2027, full details of the proposed planting of 7 new trees, to include planting schedules, noting the species and sizes of plants, shall be submitted to and approved by the Authority.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to provide biodiversity enhancements in accordance with the Strategy for Nature.

5.The landscaping scheme shall be fully completed, in accordance with the approved Block Layout Plan and details agreed under the above condition, by the 31 March 2028. 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 planting scheme is carried out in a suitable timeframe following the hereby approved domestic curtilage extension being brought into use.

6.The hereby approved pond and bird nesting boxes shall be installed, in accordance with the approved Block Layout Plan, pond specification sheet, and the details set out in the agent's letter dated 3rd July 2026, within 3 months of the date of the permission.
Reason - To ensure that the bio-diversity enhancement proposals are carried out in a suitable timeframe following the hereby approved domestic curtilage extension being brought into use.

Expiry Date: This permission will cease to have effect on 13/10/2029 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

States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No:	FULL/2026/1087
Property Ref:	D003700000
Valid date:	07/07/2026
Location:	Kings Mills House King's Mills Road Castel Guernsey GY5 7JT
Proposal:	Change of use of agricultural land to domestic garden (1,536sqm).
Applicant:	Mr & Mrs S Hall

RECOMMENDATION - Grant: Planning Permission with Conditions:

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OFFICER'S REPORT

Brief Description of the site:

The application site comprises of a detached dwelling-house located to the south of King's Mills Road. The property is a protected building.

The recognised domestic curtilage was defined in 2018 (CURT/2018/2850). The land to the rear of the dwelling featured a large glasshouse until 1963. Since its removal, the land appears to have a domestic appearance, featuring a mix of shrubs and ornamental planting. The land to the west of the application site was used for glasshouses from circa 1963, these were substantially cleared by 2013 and the land is now open.

The land to the rear of the dwelling comprises an elongated area of lawn, bounded by a mix of trees and hedges located to the east, south and west boundaries. The agricultural land to the south of the property is not served by a vehicular access. No demarcation exists between the recognised domestic curtilage and the agricultural land to the south.

The land to the west is subject to a substantial change in ground level between the two sites. The land to the east of the application site backs onto a neighbouring property. To the south, the land backs onto an area of woodland.

The site is located within an Agriculture Priority Area, Conservation Area, and is Outside of the Centres as defined in the Island Development Plan.

Planning permission is requested for a change of use of agricultural land to domestic land. The area of land in question measures 1536sqm, as confirmed in the agent's letter of 3rd July 2026.

Relevant History:

CURT/2018/2850	Definition of Curtilage.	2018

Existing Use(s):

Agricultural use class 28 – Field
Residential use class 1 – Dwelling-house (Kings Mills House)

Assessment: *(Tick as appropriate)*

no representation	✓	visual amenity acceptable	✓
accords with policy	✓	no material neighbour impact	✓
within curtilage	x	traffic not affected	✓
design acceptable	✓		

Policies considered most relevant:

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

Strategy for Nature - Supplementary Planning Guidance (2020).

Comments:

La Societe Guernesiaise:

La Societe 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.

We note that the application does not appear to provide any specific measures to ensure there is a net ecological gain, as required under the Strategy for Nature.

Conclusion/Brief comment:

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.

The proposal to extend the domestic curtilage falls to be considered principally under Policies OC5(A), GP15 and GP1 of the Island Development Plan.

The site is located within an Agriculture Priority Area. The agent's letter in support of the application sets out limitations with the use of the land for commercial agriculture against a number of considerations, including a sharp contrast of land levels and physical boundary treatments to the neighbouring property to the west.

Other aspects such as the condition and size of the land parcel, drainage and access, and the commercial needs of the agricultural industry have not been addressed, as suggested within the Authority's online guidance.

Whilst some aspects of the justification submitted are limited or are not supported by conclusive evidence to substantiate the claims made, on balance it is considered that the limited and problematic access to the agricultural land to the west, together with established boundary treatments, and the substantial change in ground level, limits any practical relationship to the wider expanse of the Agriculture Priority Area.

In addition, the area of agricultural land in question is relatively small when compared to the size of the adjacent field to the west. The land parcel is also visually and physically connected to the recognised domestic curtilage given that there is no physical demarcation between the two land uses.

Overall, it is considered reasonable to conclude that the land in question cannot positively contribute to the commercial agricultural use of an Agricultural Priority Area for the purposes of criterion c) of Policy GP15.

In addition, the change of use of the land to domestic garden, in this case, is not considered to undermine the wider spatial pattern of development, landscape character, or open land and would not therefore be contrary to Policy OC5(A) or GP15.

No changes to the existing boundaries are proposed and the proposed use of the land for domestic purposes is unlikely to have any significant adverse effects on neighbouring residents.

The application site is not located within a Site of Special Significance or Area of Biodiversity Importance.

It is acknowledged that both the agricultural land, as well as the recognised domestic curtilage, are visible from long distant vantage points along Rue De La Hurette.

However, given that the land is setback from the Rue De La Hurette (circa 50m-80m), is set below the ground level of the agricultural land to the west, and is partially screened by mature boundary landscaping; the impact of the change of use of agricultural land to domestic curtilage on the landscape character and visual amenity is likely to be negligible.

It is also not considered necessary to remove the ability of the homeowner to carry out certain development within the proposed domestic curtilage extension without planning permission under the Land Planning and Development (Exemptions) Ordinance, 2023, when taking into account the limitations of certain types of development, including the distance to the dwelling-house, existing structures and outbuildings on the site, and mature boundary treatments.

With regards to the Strategy of Nature (2020), the proposal includes newly planted fruit trees within the proposed domestic curtilage extension to support this application. The agent has also noted that a new pond will be created, together with 3 bird boxes to encourage bio-diversity of the site. The measures as initially submitted were not however sufficiently detailed, or proportionate to the size of the land parcel for which change of use was proposed, and the application was deferred to seek further bio-diversity enhancements for the site. The agent has subsequently included the planting of a further 7 native trees within the proposed domestic curtilage extension, in addition to the fruit trees already planted, in an attempt to address the concerns raised. Full details of the proposed pond have also be submitted as part of the application. Whilst this would be limited in size, it would provide some contribution to biodiversity enhancements.

Overall, on balance, the combination of additional tree planting, bird boxes and a pond, is sufficient to take into account the Strategy of Nature, subject to appropriate planning conditions to ensure their implementation.

Policy GP1 relates to the Landscape Character and Open Land. The impact on the landscape character and open land has been carefully considered under the provisions contained within Policy GP15 above. In summary the change of use would respect the landscape character and openness of the land. It would not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions relating to landscaping.

Recommendation:
Grant with Conditions ☑

Date: 08/10/26