

**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 (210sqm), demolish existing conservatory, erect single storey extension to south-west (rear) elevation, erect single storey extension to create dower unit to south-east (side) elevation and alteration to fenestration.

**LOCATION:** Ville Des Fleurs, La Maison Au Compte Road, Vale.

**APPLICANT:** Mr S Le Huray & Miss L Rihoy

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:** 30/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Tyrrell Dowinton Associates: 03.01.01A, 03.01B & 03.02B.

**Application Ref:** FULL/2022/1694

**Property Ref:** C01014A000

**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.Notwithstanding the details shown on the application drawings prior to the commencement of any work in connection therewith a boundary landscaping scheme, to include full details of hedge planting with planting schedules, noting the species, sizes, numbers and densities of plants, shall be submitted to and agreed in writing by the Authority.

Reason - To provide a clearly defined boundary to the domestic garden hereby approved, in the interests of visual amenity and to address the requirements of the Strategy for Nature SPG.

5.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 first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. 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 provide a clearly defined boundary to the domestic garden hereby approved, in the interests of visual amenity and to address the requirements of the Strategy for Nature SPG.

6.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that

Ordinance), no gate, fence, wall or other means of enclosure (other than the approved hedge) shall be erected, constructed or placed along the southeast boundary of the domestic garden hereby approved.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

**Expiry Date: This permission will cease to have effect on 29/11/2025 unless development is commenced by that date.**

**ADVICE AND OTHER REMARKS:-**

For the avoidance of doubt, this decision permits the erection of an extension to be used as an integral part of and incidental to the principal dwelling presently known as Villa Des Fleurs. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

Please ensure that you notify the Planning Service in writing of the date on which the change of use of land takes place. Once the change has been made the land will be classified as shown above. Failure to notify the Planning Service as required may lead to delay in any future property search or use class enquiry resulting from incorrect classification of the property and land.

**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](http://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](mailto: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/2022/1694  
**Property Ref:** C01014A000  
**Valid date:** 23/09/2022  
**Location:** Ville Des Fleurs La Maison Au Compte Road Vale Guernsey  
GY3 5HF  
**Proposal:** Change of use of agricultural land to domestic garden (210sqm),  
demolish existing conservatory, erect single storey extension to  
south-west (rear) elevation, erect single storey extension to  
create dower unit to south-east (side) elevation and alteration  
to fenestration.  
**Applicant:** Mr S Le Huray & Miss L Rihoy

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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2005.

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Reason - To provide a clearly defined boundary to the domestic garden hereby approved, in the interests of visual amenity and to address the requirements of the Strategy for Nature SPG.

6. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no gate, fence, wall or other means of enclosure (other than the approved hedge) shall be erected, constructed or placed along the southeast boundary of the domestic garden hereby approved.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

## **INFORMATIVES**

For the avoidance of doubt, this decision permits the erection of an extension to be used as an integral part of and incidental to the principal dwelling presently known as Villa Des Fleurs. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

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## **OFFICER'S REPORT**

### **Brief Description of the site:**

Villa Des Fleurs is a detached bungalow situated to the west of La Maison Au Compte. Open and undeveloped land exists to the south of the site, a wooded area is situated to the southwest of the site and residential development is situated to the north and east.

The application relates to the change of use of agricultural land to domestic garden comprising an area to the immediate southeast of the dwelling and projecting to the road frontage. The scheme also relates to the erection of a pitched and flat roof side extension to form a dower unit and the erection of a single-storey flat roof extension to the rear of the main house along with alterations to fenestration.

The application was deferred in order to ensure that direct access could be provided between the dower and main garden area and for proportionate biodiversity enhancement measures to be incorporated into the scheme having regard to the Strategy for Nature.

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

### **Relevant History:**

None.

### **Existing Use(s):**

01 dwellinghouse  
28 agriculture

### **Assessment:** *(Tick as appropriate)*

|                     |                                     |
|---------------------|-------------------------------------|
| no representation   | <input checked="" type="checkbox"/> |
| accords with policy | <input checked="" type="checkbox"/> |
| within curtilage    | <input checked="" type="checkbox"/> |
| design acceptable   | <input checked="" type="checkbox"/> |

|                              |                                     |
|------------------------------|-------------------------------------|
| visual amenity acceptable    | <input checked="" type="checkbox"/> |
| no material neighbour impact | <input checked="" type="checkbox"/> |
| traffic not affected         | <input checked="" type="checkbox"/> |

**Policies considered most relevant:**

Island Development Plan policies:

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

GP15: Creation and Extension of Curtilage

**Conclusion/Brief comment:**Change of use of land

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, Villa des Fleurs, and is not located within an Agriculture Priority Area. The southeast boundary between the dwelling and agricultural land is currently open. The southwest boundary is also open although a building on the adjoining agricultural land provides a visual break. The northeast boundary abuts the road. The surrounding land is in separate ownership to Villa des Fleurs and the agricultural land that is the subject of this application although remains within family ownership. The application does not require any established boundary features to be removed in connection with the change of use of the land and the land is not identified as being situated within an Area of Biodiversity Importance.

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 amended, the scheme proposes the planting of a hedge and other shrub planting along the new line of the domestic boundary serving the property. It is also noted that the extent of proposed domestic garden has been limited in order to facilitate the proposed development. The level of enhancement proposed is proportionate to the change of use of land proposed where there are limited opportunities for biodiversity enhancements. Nonetheless, by retaining the field beyond and incorporating hedge planting, the adverse impact of the proposals on the open and undeveloped land beyond has been limited. As such therefore, the scheme accords with the aims of the Strategy for Nature. Although details of hedge planting have been provided the distance proposed between hedge plants would not offer a meaningful hedge along the

domestic boundary and therefore a planning condition is proposed in order to address this matter in more detail.

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 the proposed change of use would not of itself have an adverse impact on or affect their amenities.

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

As domestic garden normal householder exemption rights would apply and it is reasonable to consider whether it is necessary to remove any householder exemption rights in this case. Whilst it is not considered necessary to remove exemption rights relating to outbuildings it would be reasonable to impose a condition relating to the treatment of the southeast site boundary as a high fence or wall adjacent to the open land beyond could impact on the character and openness of the area.

#### Erection of a dower unit

Having established that the change of use of land is acceptable there is scope to consider the erection of a dower extension to the southeast of the dwelling.

The proposed extension has been designed to be subservient to the main house and designed to reflect the external appearance of the existing property. This aspect of the scheme represents a good standard of design that will respect the character of the local built environment. The extension will not have a detrimental impact on the amenities of any surrounding residential neighbours. The accommodation is on a single level with ramped access to the entrance door which demonstrates accessibility to and within a building for people of all ages and abilities. Being part of an existing dwelling there would also be scope in future to make internal alterations or to use the accommodation in a different way in order to offer more flexible and adaptable accommodation that can respond to the needs of occupiers over time.

The SLUP acknowledges that there is an aging population on the Island and the need to meet housing requirements to enable people to remain in their own homes for as long as possible. An “additional living unit to be linked to, either physically or through association with, the main dwelling” is one way to manage this situation and dower units may be “acceptable in circumstances where a completely independent unit of accommodation would not”. They can take the form of extensions, conversion of existing or the construction of new outbuildings where they are well related to the principal dwelling. The IDP acknowledges that dowers may aim to offer a degree of independence for members of a shared household, but dower units must not become separated from the principal use of the dwelling as a single household.

Although the planning policies in Planning Advice Note 1: Dower Units - A guide to development have been superseded by those in the Island Development Plan the main principles of the document remain relevant. As dower units are not considered as separate dwellings, the normal requirements regarding access, parking, garden space and level of residential amenity are not applied. A main issue when dealing with proposals for dower units is whether the accommodation to be provided is to remain ancillary or incidental to the occupation of the dwelling.

The Advice Note indicates that if a proposal provides all the facilities for self-contained day to day existence, contains excessive floorspace and/or contains more than one bedroom this would be unlikely to be regarded as a dower unit. The accommodation comprises a bedroom, wet room, lounge and lobby along with a kitchenette and dining area. The floor area of the accommodation is 62.48 sqm. The living/bathroom accommodation meets the Guernsey Building Control Technical Standards for a dwelling or flat occupied by one person while the bedroom would meet the standards for 2 people however, GTS for new residential accommodation do not apply to such proposals.

The Advice Note contains several points which may help establish whether a dower accommodation would be ancillary or incidental to the main dwelling. At Villa des Fleurs, information relating to a shared main kitchen, utility, internal link with shared garden and parking has been submitted. The submission also addresses the relationship between occupiers.

Although the accommodation will have a separate access the dower would be attached, and linked internally, to the main house. As amended, an external gated link is also proposed between the dower patio and main garden area. The arrangement of fenestration to the rear of the dower and in the proposed single-storey extension would result in an element of mutual overlooking between the two parts of the building such that the site could not readily be subdivided and separated. Furthermore, the shared access, parking and minimal change of use of agricultural land to domestic garden demonstrate the close relationship between the dower and main house and the scheme satisfies the requirements of Policy GP13 with regard to dower accommodation.

### Erection of extension to main house with associated alterations to fenestration

The extension proposed to the rear of the dwelling has been designed with external materials to match the main house. The scheme represents a good standard of design that will not result in harm to the character and appearance of the locality or to the amenities of surrounding residential neighbours. The proposal offers accommodation that provides adequate daylight and sunlight for occupiers and does not undermine the external amenity space associated with the property. The scheme offers accommodation on a single level providing accessible accommodation and also accommodation that can respond to the needs of occupiers over time.

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.

In view of the above it is recommended planning permission is granted for the proposed development.

**Recommendation:**

Grant with Conditions



**Date:** 29 November 2022