

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: Demolish section of wall and rebuild wall, alter and widen vehicle access (retrospective).

LOCATION: Les Gouies, La Vassalerie, St. Andrew.

APPLICANT: Mr Pragnell

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: 18/03/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/02/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture - 3010 D01A

Application Ref: FULL/2025/0181

Property Ref: K006680000+ K00668A000

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 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.

Expiry Date: This permission will cease to have effect on 17/03/2028 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/2025/0181
Property Ref: K006680000+ K00668A000
Valid date: 03/02/2025
Location: Les Gouies La Vassalerie St. Andrew Guernsey GY6 8XJ
Proposal: Demolish section of wall and rebuild wall, alter and widen vehicle access (retrospective).
Applicant: Mr Pragnell

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 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.

OFFICER'S REPORT

Site Description:

The application site consists of a detached dwelling-house (known as Les Gouies), set within extensive grounds, with a large expanse of agricultural land lying to the east of the dwelling. The property is located south of La Vassalerie.

To the east of the site lies La Pépinière, a detached dwelling-house which falls under the same ownership as the house and the agricultural land. The land parcels in question are recognised as being two independent planning units, with Les Gouies forming one entity, and the agricultural land and La Pépinière forming the other. The parcels of land have separate Cadastre references (K006680000 and K00668A000).

The agricultural land and La Pépinière were previously named as St Andrews Nursery and St Andrews Nursery Cottage, respectively. The west boundary of the agricultural land was once defined by a traditional earth bank with trees surmounted on top. It is also noted in the agent's letter and information available to the Planning Service that a small access track once featured between St Andrews Nursery and Les Gouies which provided an additional access to the fields to the rear (south) of the site.

The site falls Outside of the Centres and within an Agriculture Priority Area (APA) as designated in the Island Development Plan.

Relevant History:

Les Gouies:

FULL/2020/1987	Demolish and rebuild section of wall to widen vehicular access.	Granted
----------------	---	---------

Agricultural land and La Pépinière:

FULL/2024/1562	Change of use of agricultural land to domestic garden (771sqm). Demolish wall and erect wall to widen vehicle access to north boundary, alter ground levels and install retaining wall and landscaping to east of Les Gouies. Erect wall/earthbank and erect gates to north of La Pepiniere and east boundary and erect gate and hardstanding/track to agricultural land (part retrospective).	Refused
PREA/2023/1476	Driveway alterations	Pre-application enquiry
FULL/2022/1755	Install hard surfacing and erect gate to reconfigure driveway.	Withdrawn
FULL/2022/0048	Erect and alter earthbank to north and north-east boundary (retrospective).	Granted
FULL/2022/0036	Demolish greenhouse and shed, erect earthbank, relocate sheds to east of site, alter vehicle access and install gate and change of use of agricultural land to domestic garden (1350 sq m) (retrospective).	Granted
CURT/2021/1598	Definition of Curtilage.	

Existing Use(s):

Residential

Brief Description of Development:

Planning permission was sought in 2024 to change the use of an area of agricultural land to domestic curtilage (FULL/2024/1562). The application also proposed to demolish an existing wall and erect a replacement wall to widen the vehicle access to the north boundary, serving Les Gouies. The application was refused for the following reasons, of which includes the works to the vehicular access to the north of the dwelling, underlined below (3):

1. It has not been satisfactorily demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area, or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts. Consequently, the proposal would represent the unacceptable loss of agricultural land within the Agriculture Priority Area and therefore is contrary to Policies GP15(c) and OC5(A).

2. The proposed domestic curtilage extension, the subject of this application, forms part of a larger area of open and undeveloped land to the east. It also forms part of a larger swathe of open and undeveloped land which extends to the south of the application site, and is visible from the public highway to the north, particularly in and around the existing vehicular access to Les Gouies. The removal of an earth bank with trees surmounted on top together with the change of use of land and the operational development carried out, has suburbanised and domesticated the agricultural land, formerly known as St Andrews Nursery. The removal of the former earthbank, which once defined the west boundary of agricultural land, together with new hard surfacing, granite walls, rockery area, and ornamental planting has connected both land parcels in a domesticated fashion and has had a detrimental impact on the wider rural landscape character and undeveloped nature of the land. In this case the requirements to ensure the protection of open land and landscape character outweighs the reasonable expectations of the landowner to incorporate additional land into the curtilage of Les Gouies. The proposal is contrary to Policies GP15(a) and GP1.

3. The widening of the vehicular access to the north of the dwelling-house (Les Gouies) would have a detrimental impact on the character and appearance of the surrounding area. The section of the roadside boundary makes a positive contribution to the rural landscape and the partial removal of the boundary treatment, coupled with the proposed width of the vehicular access would form an excessive opening in the street scene. The proposal consequently conflicts with Policies GP1 (Landscape Character and Open

Land), GP8 (Design), and GP13 (Householder Development) of the adopted Island Development Plan.

4. The proposed tree planting scheme is inappropriate as most of the planting that is shown on the block plan, and that has been recently planted, incorporates a large proportion of non-native species and is located on agricultural land, rather than within the proposed extension of curtilage. The proposal has not satisfactorily addressed the 2020 Strategy for Nature and therefore does not accord with the 2020 Strategy for Nature Supplementary Planning Guidance.

Planning permission is now sought to widen the vehicle access to the north boundary, serving Les Gouies. It is noted in the application form (Section C) that the works are retrospective. The drawings which show the works to the driveway are unchanged from that refused under application FULL/2024/1562.

The agent notes that the proposed alteration to the vehicular access is very similar to the material considerations of the application (FULL/2020/1987) which was granted permission to 'demolish and rebuild section of wall to widen vehicular access'. This application (FULL/2020/1987) focused on rebuilding the wall forming the entrance of the driveway, on the western side of the vehicular access. There were no alterations to the eastern side of the access.

The agent's letter seeks to justify the proposed development noting that:

'the design is good in order to match the other side of the driveway in a symmetrical way, but more importantly, to improve road safety'. 'Under Policy GP9, the granite has been reused/repurposed to provide a matching finish with sustainable and longstanding materials'. The proposal follows the previous bell-mouth wall design, but now mirrors the other side to provide symmetry and better visibility splay.

The application was deferred due to the size of the wall shown on the proposed drawings, and the wall constructed to the front of the dwelling. The agent has provided revised plans to address this discrepancy.

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

GP1 Landscape Character and Open Land
GP8 Design
GP9 Sustainable Development
GP13 Householder Development
IP9 Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

None.

Summary of Issues:

The main issue in deciding this application is centred on:

1. The impact of the development on the character and appearance of the surrounding 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).**

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.

The principal aim of the Island Development Plan is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely.

Policy GP13 is generally supportive of proposals for domestic extensions, alterations and other such householder development, unless material considerations indicate otherwise or conflicts with other Plan policies or the States strategic objectives are identified.

Paragraph 20.10.4 of Policy IP9 (Highway Safety, Accessibility and Capacity) states that:

"to ensure a proportionate management of development, the Authority will seek the retention of landscape character or distinctive natural or built features that contribute positively to the character of an area, but will require the value of the landscape character or features on an individual site to be assessed in a wider context of the contribution made to the landscape value of a particular locality. In assessing development proposals, the Authority will balance any impact on the character of the locality concerned with affording a significant degree of flexibility so that reasonable development aspirations can be met (see Policy GP1: Landscape Character and Open Land)."

The justification provided as part of this application has been carefully considered. Whilst it is recognised that the widening of the driveway has had a detrimental impact on the character and appearance of the surrounding area by virtue of the partial removal of the boundary treatment, coupled with the excessive opening in the street scene, the proposal is not considered to have an unacceptable effect to warrant refusal in light of the justification provided. This decision has been carefully balanced against the positive effects on highway safety (greater visibility splays) as a result of the widened access, and the wider context of the application site when viewed against its surroundings. This is set out below in more detail under policies GP1 and IP9.

Policies GP1 and IP9 take into account the characteristics of the wider area when assessing works that affect the landscape character. In this regard, the site comprises a substantial size plot and is fairly isolated from the general spatial pattern of development. Overall, the effect on the wider landscape character would be negative, although would not cause unacceptable harm to justify refusal when viewed in context with the wider spatial pattern of development, the flexibility afforded to householder development, and the benefits to highway safety (Policy IP9).

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

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.

Date: 17/03/25

