

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: Construct extension (north-west corner), install dormer window (north elevation). Variations to works previously approved to demolish existing packing shed and erect a replacement dwelling: alter cladding and fenestration; alter site layout (Retrospective).

LOCATION: La Grenouille, Rue De L'Arquet, St. Saviour.

APPLICANT: Mr & Mrs I Whattam

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: 16/10/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/05/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Paul Langlois Architects - 2120/11B

Application Ref: FULL/2025/0217

Property Ref: E00934B000

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 31 December 2025, full details of tree and hedge planting along the boundary between the residential curtilage and the access track and of the planter adjacent to that boundary, including the species, sizes, numbers and densities of plants, shall be submitted to and approved in writing by the Authority.

b) The approved planting shall be fully completed, in accordance with the details agreed under the terms of a) above, by 31 March 2026. 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 make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

5. No consent whatsoever is conferred for the erection of sleepers outside of the recognised domestic curtilage as shown on Drawing No 2120/11B.

Reason - These features comprise a domestication of agricultural land and are not acceptable under Plan policy.

6. No consent whatsoever is conferred for the erection of timber fencing, other than as previously approved under application reference FULL/2020/1468.

Reason - The extent of timber fencing is unclear on the submitted plans.

Expiry Date: This permission will cease to have effect on 15/10/2028 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/2025/0217
Property Ref: E00934B000
Valid date: 14/05/2025
Location: La Grenouille Rue De L'Arquet St. Saviour Guernsey GY7 9NE
Proposal: Construct extension (north-west corner), install dormer window (north elevation). Variations to works previously approved to demolish existing packing shed and erect a replacement dwelling: alter cladding and fenestration; alter site layout (Retrospective).
Applicant: Mr & Mrs I Whattam

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).

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 31 December 2025, full details of tree and hedge planting along the

boundary between the residential curtilage and the access track and of the planter adjacent to that boundary, including the species, sizes, numbers and densities of plants, shall be submitted to and approved in writing by the Authority.

b) The approved planting shall be fully completed, in accordance with the details agreed under the terms of a) above, by 31 March 2026. 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 make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

5. No consent whatsoever is conferred for the erection of sleepers outside of the recognised domestic curtilage as shown on Drawing No 2120/11B.

Reason - These features comprise a domestication of agricultural land and are not acceptable under Plan policy.

6. No consent whatsoever is conferred for the erection of timber fencing, other than as previously approved under application reference FULL/2020/1468.

Reason - The extent of timber fencing is unclear on the submitted plans.

OFFICER'S REPORT

Site Description:

The application site is located in the north-east corner of a former vinery site, situated to the east of Rue de L'Arquet and accessed via a track along the north boundary of that cleared site. Surrounding the site the area comprises residential properties to the north and northwest with agricultural fields to the east, southeast and southwest. There is permission to convert or demolish and redevelop the existing building to the south of the vinery site to form a further residential property.

The site is situated Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

Application site

Planning

FULL/2017/2742 Extend and alter packing shed to create new dwelling and change of use of horticultural land to domestic curtilage. Approved 20/12/17

FULL/2020/1468 Demolish existing packing shed and erect a replacement dwelling.
Approved 07/06/2021

FULL/2021/1399 Withdrawn application for variation to plans previously approved to demolish existing packing shed and erect a replacement dwelling - add 1st floor and sun room – Application was premature and could not be considered prior to completion of the approved dwelling.

FULL/2023/1686 Install window and door and cladding to outbuilding to north boundary. Approved 26/10/2023

Building Control

FP/2021/0770 Licence granted 06/08/2021, plans in accordance with FULL/2017/2742. Plans updated to include sunroom and first floor 15/10/2021, amended licence issued 28/10/2021. Commencement visit 29/06/2022, letter confirming satisfactory completion issued 15/09/2023.

Site to the south (E.934)

FULL/2022/0343 Convert outbuilding to a dwelling. Approved 07/02/2023

FULL/2024/0980 Demolish existing building and store and erect dwelling with associated works and change of use of agricultural land to domestic garden (300sqm). Approved 06/12/2024

FULL/2025/0405 Variations to works previously approved to demolish existing building and store and erect dwelling with associated works and change of use of agricultural land to domestic garden (300sqm) - Alterations to access track.
Approved 15/05/2025

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

Permission is sought in retrospect for variations to works previously approved to demolish the former packing shed at the site and to erect a replacement dwelling, as follows:

- Reposition rooflights (north elevation);
- Alter fenestration (west and east elevations);
- Alter direction of cladding;
- Alter site layout, including extent of hard surfacing, position of car parking, boundary treatments and arrangement of landscaping.

In addition, it is proposed to construct extension (north-west corner), install first floor and install dormer window (north elevation).

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

OC1	Housing Outside of the Centres
OC5A	Agriculture Outside of the Centres – within the Agriculture Priority Areas
GP1	Landscape Character and Open Land
GP8	Design
GP9	Sustainable Development
GP13	Householder Development
GP16(B)	Conversion of Redundant Building: Demolition and Redevelopment
IP7	Private and Communal Car Parking
IP9	Highway Safety, Accessibility and Capacity

Representations:

None received.

Consultations:

None undertaken.

Summary of Issues:

Whether the proposal is compatible with policy.

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).**

Permission was initially granted 20/12/2017 for the conversion of the former building at this site for independent residential use under Policy GP16(A) (Conversion of Redundant Buildings). Permission was subsequently granted 07/06/2021 for the demolition of that building, and for the construction of a new dwellinghouse under Policy GP16(B) (Conversion of Redundant Buildings – Demolition and Rebuild). The dwellinghouse has not however been constructed in accordance with the approved plans, and this application seeks to regularise those works.

Alterations to approved dwelling

The submitted plans show the following amendments to the approved dwelling, which have already been carried out:

- Reposition rooflights (north elevation);
- Alter fenestration (west and east elevations);
- Alter direction of cladding.

These elements comprise minor alterations to the previously approved scheme and do not have an adverse impact on the character of the area or neighbour amenity, and would not have affected the acceptability of that scheme.

Extensions to dwelling

Once any dwelling approved under GP16(B) is constructed to a wind and watertight state, the independent residential use of that site is established and any further application for extension or alteration to the building falls to be considered under Policy GP13 (Householder Development).

An application to extend the approved dwelling, including the ground floor extension, installation of a first floor and dormer window, was initially made under reference FULL/2021/1399, however that application was withdrawn as at that time the new dwelling was not yet wind and watertight. A site visit under the current application demonstrates that not only is the approved portion of the dwelling wind and watertight, but the extension, first floor and dormer have been constructed.

The application is retrospective as the works proposed have been carried out prior to permission being granted. The sequence of development on the site also raises issues regarding compliance with planning policy at the time of those works. Unauthorised development cannot be condoned and risks undermining the planning system. In this case the works applied for have been completed and at the time of consideration of this application the property comprises a single dwelling house.

Policy GP13 therefore applies. The fact that unauthorised work has taken place is not, in and of itself, a material planning consideration that can influence the decision on this application.

Policy GP13 allows for alterations and extensions to residential properties where there is no significant adverse impact on the amenities of adjoining properties; the design, scale, mass and form of development does not detract from the character of an open area; and there is no adverse effect on the special interest of a Conservation Area, Area of Biodiversity Importance, Protected Building or Protected Monument.

In this case, Policies GP8 and GP9, relating to Design and Sustainable Development, would also be relevant and the material considerations of the Law must be taken into account.

The proposals would not have any adverse impact on the appearance of the dwelling or wider character of the area, landscape character or openness and the sustainability of the proposals is addressed.

The proposals would introduce a dormer window to the north elevation, in close proximity to the boundary with the adjacent residential site in that direction. As part of the site visit the first floor of the building was accessed and it was evident that, due to the floor layout relative to the position of the dormer, and the cill height of the repositioned rooflight, it is not possible to view the adjacent property from the first floor fenestration in the north elevation. The proposals would not therefore have any increased impacts on the amenities or reasonable enjoyment of occupiers of neighbouring properties.

Overall therefore these elements of the proposals comply with policy.

Other works within the recognised domestic curtilage

The submitted plans show alterations to the approved site layout as follows:

- Repositioning of the site access and parking, and consequently the boundary planting;
- Hardsurfacing of the majority of the curtilage area, retaining a small area of planting adjacent to the access track;
- Alterations to the east site boundary from 1.8m fencing to 1.2m wall.

On site it was apparent that the wall along the east boundary has been constructed, however no other treatment to the boundaries of the curtilage had been erected, nor has any landscaping been undertaken within those boundaries. This is in breach of Conditions 4 & 6 of the previous planning permission, which required the boundary treatment and landscaping to be implemented prior to occupation or within the first planting season following occupation respectively.

The alterations to the access and parking appear to reduce the parking provision for the site to a single space, however this is not of significant concern and the proposal would not give rise to significant additional visual or traffic management impacts. It is therefore recommended that the revised site layout is approved. It is however noted that the submitted plan does not reflect the situation on site, and a building has been placed partially across the proposed parking space, which would preclude use of that space. Whilst this does not preclude approval of the proposed site layout, it will either mean that there is no parking allocated to the property once the scheme is fully implemented, that the building has to be re-positioned to allow for parking, or that a further revised scheme for the site layout will need to be submitted for the proposal.

Hardsurfacing of the majority of the amenity space is unfortunate in terms of the Strategy for Nature, however soft landscaping is retained to the north boundary and

adjacent to the access track. Subject to appropriate planting of these areas, this amendment could be acceptable.

The alterations to the east boundary would not give rise to any adverse impacts.

The extent of fencing to the south boundary remains unclear, however this would remain covered by Condition 4 of the previous permission. Equally details and implementation of the hedging along the north boundary would be covered by Conditions 5 & 6 of that permission. These matters can be addressed under separate cover. The current application however includes changes to the boundary along the access track and, for the avoidance of doubt, details and implementation of that boundary and the adjacent planting area should form a condition of any permission granted under this application. As this boundary should already be in place, and comprises a breach of planning permission, it is reasonable to require details and implementation within the current planting season, e.g. by 31 March 2026.

Works outside of domestic curtilage

In addition to the above, it was noted on site that the land to the west of the approved curtilage, which is as shown in red on the submitted plan (Drawing No 2120/11B), has been domesticated through the installation of sleepers and a path. The sleepers are shown on the submitted plan. As no change of use has been sought for this area of land, it remains classified as agricultural land. This work would therefore comprise development requiring planning permission and would fall to be considered under Policy OC5(A) (Agriculture Outside of the Centres – within the Agriculture Priority Areas). The development does not relate to the agricultural use of an existing farmstead or existing agricultural holding, and is not for a purpose ancillary or ordinarily incidental to the existing principal agricultural use and, as no change of use is sought, does not accord with any other policy of the Island Development Plan. The installation of sleepers on this land would therefore be contrary to Policy OC5(A).

The application was deferred to provide an opportunity to include a change of use of this land to domestic curtilage as part of the current application, however this option was declined. It is therefore recommended that consent for this element be withheld by planning condition and the matter be addressed separately through the enforcement process.

Conclusion

In light of the above, it is considered, on balance, that the retrospective works which have been undertaken to the main dwelling would meet the purpose of the Law, material considerations and relevant planning policies.

It is however recommended that conditions are applied relating to:

- Detail and implementation of planting along the boundary to the track and within the adjacent planting area;

- With holding consent for the sleepers outside of the domestic curtilage.

In addition it is noted that the following will require addressing under separate cover:

- Condition 4 of FULL/2020/1468: Extent of fencing along the south boundary.
- Condition 5 of FULL/2020/1468: Planting size and densities of hedging along north boundary.
- Condition 6 of FULL/20020/1468: Implementation of planting scheme.

Date: 13/10/2025

