

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: Install ground mounted solar panels to west of site.

LOCATION: Irwin Lodge, Ruelle Irwin, Fort George, St. Peter Port.

APPLICANT: Mr & Mrs Robinson

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: 16/04/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/03/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners Ltd. ZZ-D-A-0110 P03, ZZ-D-A-1000 P03, S1-25/D.

Application Ref: FULL/2025/0300

Property Ref: A41110A123

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.

4.4.(a) Full details of the approved hedge to be planted in the position shown on the approved drawing, including the species, size and density of plants at the time of planting, shall be submitted to and approved in writing by the Authority.

(b) The hedge shall be planted in accordance with details approved as per criterion (a) of this condition in the first planting season (October to April) following the installation of the solar panels, or in accordance with a programme previously agreed in writing by the Authority. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by 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, to help assimilate the development into its surroundings and to ensure the protection of the adjacent Site of Special Significance.

Expiry Date: This permission will cease to have effect on 15/04/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

It is recommended that the hedge to be planted above the approved solar panels should be a native species to preserve the Site of Special Significance (SSS). Given the close proximity between the proposed hedge and SSS, it is important to avoid the introduction of a non-native species which could adversely affect the special interest of the SSS.

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment. It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording should any earth be moved as part of the development. The Archaeology team can be contacted on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210.

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/2025/0300
Property Ref: A41110A123
Valid date: 05/03/2025
Location: Irwin Lodge Ruelle Irwin Fort George Fort George St. Peter
Port Guernsey GY1 2SN
Proposal: Install ground mounted solar panels to west of site.

Applicant: Mr & Mrs Robinson

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. 4.(a) Full details of the approved hedge to be planted in the position shown on the approved drawing, including the species, size and density of plants at the time of planting, shall be submitted to and approved in writing by the Authority.

(b) The hedge shall be planted in accordance with details approved as per criterion (a) of this condition in the first planting season (October to April) following the installation of the solar panels, or in accordance with a programme previously agreed in writing by the Authority. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by 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, to help assimilate the development into its surroundings and to ensure the protection of the adjacent Site of Special Significance.

INFORMATIVES

It is recommended that the hedge to be planted above the approved solar panels should be a native species to preserve the Site of Special Significance (SSS). Given the close proximity between the proposed hedge and SSS, it is important to avoid the introduction of a non-native species which could adversely affect the special interest of the SSS.

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment. It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording should any earth be moved as part of the development. The Archaeology team can be contacted on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210.

OFFICER'S REPORT

Brief Description of the site:

'Irwin Lodge' consisted of a detached bungalow situated to the south of Ruelle Irwin. The application site is located within Fort George, which itself is located Outside of the Centres as designated in the Island Development Plan. The land to the south of the site is recognised as a Site of Special Significance (SSS).

The application site has been subject to a number of demolish and rebuild applications on a one-for-one basis, since the adoption of the Island Development Plan in 2016. The proposals have varied in design styles over the years.

Planning permission was granted in 2024 (FULL/2024/0007) to demolish the dwelling and erect a replacement dwelling with associated works. Works have commenced on site (in respect of permission FULL/2024/0007), as the dwelling has been demolished, and the foundations laid for the replacement dwelling, as well as alterations to the driveway.

‘Courtrai’, located to the west of the application site, is situated at a higher level due to the topography and profile of the cliff face. Most of the landscaping that featured on the steep slope between the former dwelling and Courtrai has been removed from site.

Planning permission is now sought to install ground mounted solar panels to the west of the site. The solar panels will be raised off the ground by approximately 750mm, and will consist of 46 panels, located on the steep slope between the replacement dwelling and the neighbouring property known as Courtrai. A new hedgerow will be positioned at the top of the panels.

Relevant History:

FULL/2024/0007	Demolish dwelling, erect replacement dwelling with associated works and install gate to existing vehicle access.	Granted
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Existing Use(s):

Residential use class 1 – dwelling house.

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

☒
☒
☒
☒

visual amenity acceptable
no material neighbour impact
traffic not affected

☒
☒
☒

Policies considered most relevant:

GP1 Landscape Character and Open Land
GP2 Sites of Special Significance
GP6 Protected Monuments
GP7 Archaeological Remains
GP8 Design
GP9 Sustainable Development
GP13 Householder Development
IP9 Highway Safety, Accessibility and Capacity

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.

Whilst it is recognised that positioning ground mounted solar panels on a steep slope of the site is likely to increase the visibility of the development in distant public views, the effect on amenity is likely to be limited when taking into account the scale and mass of the replacement dwelling when viewed in the foreground. Moreover, the dark appearance of the panels together with existing tree coverage located within the SSS will also help to limit the visual impact of the development which will help to reduce its prominence. A new hedgerow located at the top of the panels will also help to assimilate the development into its surroundings.

Due to the position of the solar panels to the west of the replacement dwelling, the proposal is not considered to have a detrimental effect on the setting of the Protected Monument (Clarence Battery) located to the east of the site.

Due to the close proximity between the new hedgerow and the SSS to the south, it is important that any replacement hedge is of a native species in order to preserve the SSS to prevent the spread of a non-native species into the SSS. A landscaping condition and an informative should be attached to the decision to this effect.

By virtue of the type of development, the proposal complies with Policy GP9 (Sustainable Development).

Due to the position and relationship to neighbouring properties, the proposal is not considered to adversely affect neighbour amenity.

Overall, the proposal development is not considered to have a significant detrimental effect on the landscape character and visual amenity.

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.

Recommendation:

Grant with Conditions



Date: 14/04/25

