

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: Alterations to d'ouit to south-west of agricultural land (retrospective).

LOCATION: Le Manoir Des Hubits, Les Hubits De Haut, St. Martin.

APPLICANT: Mr I Vaughan

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: 09/03/2026

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/03/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Site Location Plan; Application Block Layout Plan; Detail Plan and Elevation views

Application Ref: FULL/2025/0328

Property Ref: J002520000

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.

Expiry Date: This permission will cease to have effect on 08/03/2029 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



PLANNING APPLICATION REPORT

Application No: FULL/2025/0328
Property Ref: J002520000
Valid date: 04/03/2025
Location: Le Manoir Des Hubits Les Hubits De Haut St. Martin
Guernsey GY4 6NA
Proposal: Alterations to dourt to south-west of agricultural land
(retrospective).
Applicant: Mr I Vaughan

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.

OFFICER'S REPORT

Site Description:

The application relates to a section of open stream located in the south-west corner of a large area of open and treed land, forming the grounds of Le Manoir Des Hubits to the north. The stream runs along the south boundary of the land parcel towards the south-east, previously between grassed banks for the first c55m and then through an old stone culvert. To the north-west the stream is fed by an underground pipe, linking to storm drains set into the road known as Les Hubits de Haut. This pipe is supplemented by an open stone gully across the front of the adjoining dwellinghouse known as Mare Mado. That gully has a cobbled base, low retaining walls and other hard landscaping features and takes overflow water from the storm drains. To the south-east, the stream links with another open stream running along the south-east boundary of the property.

The site is located Outside of the Centres within the Island Development Plan and the area of stream in question is located within a Conservation Area.

Relevant Planning History:

None relevant.

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

Permission is sought in retrospect to line the base and walls of the first c12-20m of stream with concrete and to install various associated silt traps, to manage drainage in the area and from adjacent sites. In addition to this work, the eastern c30m of the open stream has been infilled and piped with 2no 150mm pipes, one extending to the mouth of the pre-existing culvert, the other extending to the stream along the south-east boundary of the property.

In support of the application it is stated that run off resulting from management of nearby farm land, combined with general increase in surface water volume, has resulted in blockages of the culvert and flooding of the land. The covering information confirms several options which have been attempted to manage the drainage prior to the solution which forms the subject of this application.

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

OC5(B) Agriculture Outside of the Centres – outside of the Agriculture Priority Areas

IP11 Small scale infrastructure provision

GP1 Landscape character and open land

GP4 Conservation Areas

GP8 Design

GP9 Sustainable Development

GP20 Exceptions

Representations:

None received.

Consultations:

The Office for Environmental Health and Pollution Regulation raise the following concerns and make the following observations:

- That the work has severely reduced the flow capacity of the douit, resulting in flooding to adjacent property;
- That the work captures and retains run off from the local catchment, resulting in accumulation of pollutants;
- That the work has had a detrimental effect on the environment;
- That the work goes beyond what is fit-for-purpose;
- It is recommended that the douit be returned to its natural and original state;

- The OEHPR is the responsible office to investigate risks of and actual water pollution and is actively following up on the allegations in respect of off site pollution.

Agriculture, Countryside and Land Management Services comment as follows:

We can confirm that the works are not sited within a Site of Special Significance or an Area of Biodiversity Importance. Unfortunately, it will be difficult to quantitatively evaluate the level of impact caused by the development due to the lack of any ecological surveys undertaken before the works. Furthermore, in general, freshwater habitats are one of the least studied or understood habitat types in Guernsey so historic records are scarce.

That said, freshwater habitats in Guernsey do have an inherent ecological value and the works described within this application have the potential for both direct impacts (e.g. loss of habitat due to the introduction of a concrete to the channel of the douit) and indirect impacts (e.g. through changes in downstream flow or contamination of the water during construction). In addition, we are also aware that the Office of Environmental Health and Pollution Regulation have raised concerns that the works could increase pollution impacts which are likely to impact the ecology of the douit.

In summary, the works will have had a direct impact and potentially indirect impact on the ecology of the douit but given the lack of surveys prior to the works, it is not possible to assess the extent or significance of those impacts.

Guernsey Water made no comment to the written consult request.

Subsequent to receipt of the above responses, representatives of the Office for Environmental Health and Pollution Regulation, Guernsey Water and the Planning Service met on site to review the works and the position of each Service.

Summary of Issues:

The extent of impact on:

- Agricultural land;
- Open land, openness and landscape character;
- Flooding and neighbour amenity;
- Pollution incidents.

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).**

The stream which forms the subject of this application forms part of the surface water management system for the surrounding catchment. Tenuously, the stream could be considered part of the infrastructure supporting the functioning of this area and, were that the case, Policy IP11 could provide support for the proposed works. Neither that policy, or any other gateway policy within the Plan, are however specifically relevant to the proposal and the application is therefore considered under Policy GP20, which allows for such proposals where all other relevant policies are met.

In this case, the works are stated to have been undertaken to improve flow and management of surface water in the area. Consultation with other Services has ascertained that the solution which has been implemented is heavily engineered, and a preferred and less intrusive option would have been to open the douit for the entirety of its length. The applicant is not however receptive to this solution and it is the duty of the Authority to consider the application as presented.

The works which have been undertaken do not have significant impact on open land, openness or landscape character when perceived from a public place, nor would they prejudice any agricultural use of the land. Whilst it is probable that the works have had some impact on ecology and ecosystems, the extent of this effect is not measurable given the retrospective nature of the works. The site is not located within an area identified as of particular biodiversity importance and, given the relatively limited area of the works, it is not considered that the extent of impact would be such that warrants refusal of the application, or requirement for further offset.

Notwithstanding the comments made in the consultation responses above, further dialogue has indicated that there is no evidence of ongoing impacts on neighbouring property as a result of the works, or of any direct causation of pollution incidents at the site or on adjoining land. In respect of incidents alleged to be occurring from activities on other sites, these must be reported and managed through the relevant legislation and Service areas, and fall outside of the remit of the Planning Service.

On balance, in light of the above, it is concluded that, whilst the proposed works would not necessarily comprise the preferred solution for management of the stream, the harm arising from the works is not sufficient to warrant refusal of the application or to conflict with planning policy.

Date: 06/03/2026

