

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 (324sqm), demolish outbuilding and sheds, erect single storey extension with terrace at first floor level to south (side) elevation. Erect outbuilding to north boundary and associated works.

LOCATION: Le Verger, Route Des Bordages, St. Saviour.

APPLICANT: Mr & Mrs Duquemin

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: 25/06/2025

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

Drawing Nos: DLM Architects: 1274_1_310 Rev B, 311 Rev B, 320 Rev B, 321 Rev B, 322 Rev B, 360, 370 Rev A, 371 Rev B, 372 Rev B

Application Ref: FULL/2025/0369

Property Ref: E001590000

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.The wildflower meadow shall be created and the fruit trees planted, in accordance with the details set out within the Environment Guernsey Ltd Biodiversity Statement and on DLM Drawing No 1274_01_311 rev B, by 31 March 2026, or in accordance with a programme previously agreed in writing by the Authority, and shall be maintained in accordance with those documents. 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, to help assimilate the development into its surroundings and to address the requirements of the Strategy for Nature.

5.The landscaping scheme not included within Condition 4 above shall be fully completed, in accordance with the details set out within the Environment Guernsey Ltd Biodiversity Statement and on DLM Drawing No 1274_01_311 rev B, 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 and shall be maintained in accordance with those documents. 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, to help assimilate the development into its surroundings and to address the requirements of the Strategy for Nature.

6.The extension hereby approved shall be used as an integral part of and incidental to the principal dwelling presently known as Le Verger only.

Reason - To define the use for the avoidance of doubt. Any other use, except any permitted under the Land Planning and Development (Exemptions) Ordinance, 2023 or any other Ordinance replacing or re-enacting that Ordinance, would require a separate grant of planning permission and involve different planning policy considerations.

Expiry Date: This permission will cease to have effect on 24/06/2028 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/2025/0369
Property Ref: E001590000
Valid date: 03/03/2025
Location: Le Verger Route Des Bordages St. Saviour Guernsey GY7 9FJ
Proposal: Change of use of agricultural land to domestic garden (324sqm), demolish outbuilding and sheds, erect single storey extension with terrace at first floor level to south (side) elevation. Erect outbuilding to north boundary and associated works.

Applicant: Mr & Mrs Duquemin

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

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6. The extension hereby approved shall be used as an integral part of and incidental to the principal dwelling presently known as Le Verger only.

Reason - To define the use for the avoidance of doubt. Any other use, except any permitted under the Land Planning and Development (Exemptions) Ordinance, 2023 or any other Ordinance replacing or re-enacting that Ordinance, would require a separate grant of planning permission and involve different planning policy considerations.

OFFICER'S REPORT

Site Description:

The property comprises a detached two storey dwellinghouse located within the domestic curtilage to the east of the site. The remainder of the site comprises agricultural land. The site is bounded by the Route des Bordages to the east and Rue de la Grange to the south, and is separated from Les Buttes to the north by agricultural land.

The site is located Outside of the Centres, within an Agriculture Priority Area in the Island Development Plan. The land immediately to the north forms part of a Conservation Area.

Relevant History:

FULL/2018/1738 Demolish existing and erect replacement dwelling and relocation of vehicular entrance. 12/09/2018

Existing Use(s):

Residential Use Class 1
Agricultural Use Class 28

Brief Description of Development:

Permission was initially sought to change the use of all the agricultural land to the west of the site (3230sqm) to extend the domestic garden associated with the property. Following deferral, the extent of curtilage has however been reduced to 324sqm.

It is also proposed to demolish the existing garage to the side (south) of the dwelling and to extend the dwelling in that direction and to the rear (west) with single storey flat roof extensions with covered link to the main dwelling, incorporating green roof and roof terrace and extending the existing ground floor terrace. The extensions would include garage, guest suite, home office and bar/garden room. In addition, it is proposed to demolish the existing outbuildings adjacent to the north boundary and to construct a single storey flat roof outbuilding for ancillary storage.

In support of the application the following have been submitted:

- Biodiversity Statement dated February 2025 prepared by Environment Guernsey
- Sustainable Checklist

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

OC5(A) Agriculture Outside of the Centres – Within the Agriculture Priority Areas
GP1 Landscape Character and Open Land
GP8 Design
GP9 Sustainable Development
GP13 Householder Development
GP15 Creation and Extension of Curtilage

Strategy for Nature

Representations:

One letter received raising no objections to the alterations to the house, however opposing the change of use from agricultural land to domestic curtilage for the following reasons:

- Loss of agricultural land;
- Impact of further residential development on the land on the natural rural character and landscape;
- Impacts on wildlife.

A further letter reiterating the above and raising the following additional objections:

- Impacts on adjacent cemetery;
- The design of the house does not fit in with surrounding houses;
- Impacts on neighbour amenity:
 - o Additional overlooking and overshadowing;
 - o Additional noise, odours and disturbance from garage/workshop, office, outdoor kitchen/bar, balconies and general use of additional accommodation closer to adjacent property;
 - o Loss of views;
 - o Impacts during the course of works, eg noise and dust and increased road safety risks.

Consultations:

None undertaken.

Summary of Issues:

Extent of curtilage and impacts on openness, landscape character, Agriculture Priority Area, biodiversity provision and neighbour amenity.

Use of the proposed extension and impacts on the character of the area and neighbour amenity.

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).**

Change of use to domestic land

Policy OC5(A) supports development which would result in the loss of agricultural land where the proposed new use accords with all other relevant policies.

The site is elevated above Rue de la Grange to the south and the cemetery to the west, with strong planted boundaries. The site is bounded by an agricultural field to the north, and the intervening boundary is formed by a bank, established planting and trees.

The agricultural land is accessed through the existing domestic curtilage associated with Le Verger, which would limit its potential for agricultural use. Whilst separate access could not be formed from the road to the south or the cemetery to the west, it has not been demonstrated that access could not be formed to link with the adjacent agricultural land to the north, or that there are any other limiting factors to use of the land for agriculture.

In addition, whilst well screened in most public views, the land represents a large parcel of open land in its own right.

In light of the above, the application was deferred and the proposed extension of domestic curtilage was significantly reduced. That now proposed represents a limited incursion on to the open agricultural land, and would not therefore give rise to significant impacts on openness or landscape character and would not prejudice any future agricultural use of the land.

The site is not located within or adjacent to an Area of Biodiversity Importance and no boundary features are to be removed. A raised planter is to be formed to delineate the extended curtilage. Whilst more formal than generally accepted, and retaining access onto the agricultural land from the curtilage (in addition to the agricultural access retained to the north), in the context of this site and the existing situation on site this is considered acceptable.

The proposed use of the land would be for domestic purposes and would have no adverse effects on neighbouring residents, located across the road to the south.

In respect of the Strategy for Nature, a Biodiversity Statement has been submitted, prepared by Environment Guernsey, and supported by a landscape plan (Drawing No 1274_1_311 Rev B). The submitted statement identifies that the land as existing is not ecologically rich, comprising predominantly Amenity Grassland as identified in the Habitat Survey 2018, although established native trees around the perimeter are of moderate biodiversity value. The Statement and associated plan propose the following, identifying that, subject to the management set out within the Statement, a moderate ecological gain would be achieved:

- Retention of existing trees;
- Wildflower meadow around the periphery of the land;
- Central area retained as amenity grassland, managed sympathetically to encourage spread of wildflowers;
- Planting of 6 apple trees, with potential for further expansion;
- Amenity planting around the terrace areas;
- Provision of a green roof to the extension.

The change of use is only acceptable on the basis that the biodiversity enhancements are undertaken, in accordance with the submitted Biodiversity Statement, and it is therefore necessary to require the implementation of the approved landscaping scheme. In respect of the change of use of agricultural land to domestic use, the change of use is considered implemented at the point of decision, irrespective of the implementation of the wider permission. It is therefore necessary to require landscaping which is required to offset that change of use to be undertaken within the next planting season, i.e. by the 31 March 2026. In this case it is obviously not practical to undertake all of the landscaping in advance of the other works proposed as part of this application, however it is considered that the wildflower meadow creation and fruit tree planting could be undertaken independently of the wider permission and it is therefore considered reasonable to require that those elements of planting be undertaken by 31 March 2026. If there is reasonable justification for an alternative timeframe, the condition can be worded to allow for consideration of such an amended timeframe.

In the context of this site and the limited nature of the curtilage extension, there is no requirement to remove exemption rights.

Extensions to dwellinghouse and erection of outbuilding

Policy GP13 of the Island Development Plan states that extension and alteration of an existing dwelling will be supported 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.

The proposed extension would be located within the extended curtilage found acceptable above. It is subservient to the main dwelling and, whilst comprising a large extent of flat roof relative to the existing dwelling, such forms of extension are common throughout the Island. In views from Route des Bordages from the north-east and immediately forward of the dwelling the extension will appear as a subservient garage extension and, due to the change in levels and established boundary planting, the extension will be of very limited visibility in views from Rue de la Grange from the south-west. The extension will be visible in approaches from Route des Bordages for a short distance from the south-east, however will be read against the existing building, in the context of other development in that direction, and will be partially screened by the boundary treatment. Notwithstanding the proximity of the extension to the south boundary of the site, and therefore the potential for loss of some boundary planting, the proposed extension will not give rise to significant adverse impacts in these views.

The habitable elements to the rear of the proposed extension are accessible from the main house only through the garage or across the open courtyard, however, as a whole, the extension comprises an integral part of the dwelling at the site, providing the only garaging on site and with windows and doors located onto the shared amenity space. The level of self-containment is not such that concerns are raised that the accommodation would be operated as a discrete unit of accommodation. In any event, any such occupation would require a separate grant of planning consent.

The proposed extension is located on the south side of the existing dwelling, projecting towards the south boundary of the site. There is a residential property located on the opposite side of Rue de la Grange to the south, with an extension projecting towards the application site and a driveway running along the site to parking to the rear. Whilst parking is generally regarded as less sensitive than private garden space, it is noted that this area could also be used as such, given its close proximity to the house.

Given the position of the proposed extension relative to the adjacent property to the south, the proposal would have no adverse impacts in terms of overshadowing or overbearing of that property. The extension and associated facilities are for ancillary domestic purposes, and would not give rise to additional disturbance outside of that normally expected within a residential area. The "Home Office" is a limited space, suitable for single person occupancy. Whilst the garage contains an area labelled as "Workshop", this area is limited and there is no consent to use this for commercial purposes. The extension has been designed to face away from neighbouring property, with limited fenestration in the facing elevation and the proposed outdoor kitchen is located within a central courtyard, encircled by the built form. Whilst there may be some noise transfer from the proposed raised terrace, that terrace is of limited size, some distance from the boundary and separated from the adjacent property by mature planting. As above, the terrace would be for domestic use only, and would not therefore give rise to excessive noise nuisance.

The extension steps down to the rear, following the topography, and the proposed raised terrace at the rear of the extension would not be a full storey above the existing ground floor terrace level. The terrace is set c11m from the boundary of the neighbouring property to the south, on the opposite side of Rue de la Grange, and there is existing robust boundary planting on both the application and neighbouring site. To further reduce any potential impacts, obscure glazing is proposed to the south side of the terrace, however, given the height of the balustrade, any benefits in terms of neighbour amenity would be limited. A request was made to increase the height of this balustrade, however the agent has produced additional information demonstrating that the proposal would not result in significant overlooking and it would not therefore be reasonable to resist the application on this basis. Whilst it is noted that roof planting is proposed on the area to the south of the terrace, this could not be relied upon to provide an effective and robust screen. Notwithstanding the potential limitations of the proposed mitigation measures, the distance of the terrace to the adjacent property, together with the robust boundary

planting on both properties, would be sufficient to prevent any significant overlooking of the adjacent property.

Boundary treatment is to be substantially retained, and it is not apparent that the extension would impact on views from adjacent property however, any impact on private views does not comprise a material planning consideration.

The proposed outbuilding would be modestly sized and discretely located, and would not give rise to any adverse impacts.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

In terms of potential nuisance arising during the construction phase of development, the contractor would have to comply with the relevant regulations set out with separate legislation managed by the Office for Environmental Health and Pollution Regulation.

Conclusion

Overall the revised proposal accords with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 24/06/2025