

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: Remove section of wall and hedge to create temporary vehicle access to south boundary.

LOCATION: L'Etoile Du Matin, Rue Du Dos D`Ane, Castel.

APPLICANT: Mr R & Mrs L Marino

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: 11/06/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/04/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects: 1213_TW_2 Rev A , TW-3 & TW-4

Application Ref: FULL/2025/0527

Property Ref: D003550000

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 demolition of the roadside wall and associated removal of landscaping shall commence immediately prior to the commencement of work approved under application reference FULL/2024/1849 and within two weeks of the temporary access hereby approved being formed written confirmation of the commencement of this permission must be provided to the Authority.

Reason - To confirm the commencement of this temporary, one year permission.

5.i) Prior to the commencement of work to remove the existing wall and hedge a hedge planting scheme to include a planting schedule, noting the species, sizes, numbers and densities of hedge plants shall be submitted to and agreed in writing by the Authority;

ii) The replacement hedge approved and the associated earthbank, referred to in condition 6, shall be formed and planted in the planting season following the construction of the roadside wall. Any hedge 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 roadside boundary treatment is reinstated following the completion of works at the site, in the interests of visual amenity and the open landscape concerned.

6.The roadside wall boundary fronting onto Rue Du Dos D'Ane shall be reconstructed to its previous form, height and appearance using stone that shall match as closely as possible the type, colour, texture and method of bonding and pointing of the existing stone and must be fully completed following the completion of the works associated with application FULL/2024/1849, or one year from the confirmed date of commencement of work required by condition 4 above, whichever is the sooner, unless otherwise agreed in writing by the Authority. The replacement earthbank shall

be constructed only in accordance with the details contained on page 3 of the published Earthbanks Advice Note.

Reason - To make sure that the roadside boundary treatment is reinstated following the completion of works at the site, in the interests of visual amenity and the open landscape concerned.

7. For the avoidance of doubt, the width of the access point hereby approved shall not exceed 5m in width as shown on drawing 1213_TW_1.

Reason - to clearly define the permission to avoid any ambiguity.

Expiry Date: This permission will cease to have effect on 10/06/2028 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/2025/0527
Property Ref: D003550000
Valid date: 14/04/2025
Location: L'Etoile Du Matin Rue Du Dos D`Ane Castel Guernsey GY5 7LD
Proposal: Remove section of wall and hedge to create temporary vehicle access to south boundary.

Applicant: Mr R & Mrs L Marino

RECOMMENDATION - Grant: Planning Permission with Conditions:

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OFFICER'S REPORT

Brief Description of the site:

The property comprises a detached dwelling house, known as L'Etoile Du Matin, located on a corner plot between Ruelle Julianne and Rue du Dos D'Ane.

The Rue du Dos D'Ane runs along the south boundary at the site, at a higher level than the application site, and the land slopes steeply away towards the north. The Ruelle Julianne runs along the east boundary of the site, sloping away from the main road.

The property is located within an Agriculture Priority Area and is Outside of the Centres as defined in the Island Development Plan.

Planning permission was granted earlier this year (2025) to install a raised swimming pool/spa with balustrade (north-west part of site), to alter ground levels and to erect a retaining wall to a new patio area to the west of property. Permission was also granted to remove and replace a boundary hedge to the east boundary of the agricultural land.

Planning permission was sought to remove a 5m wide section of wall and hedge in order to create a temporary vehicle access to the south boundary incorporating a bellmouth design with a site access ramp with a temporary hard-core finish, with a working area to the north, and a materials storage area to the south.

A Design Statement has been included as part of the application. It is noted that the access is required to carry out the works approved under application FULL/2024/1849. Different access options were considered and discounted. As originally proposed, the access point was for a temporary period of 2 years but has subsequently been reduced to 1 year.

The application was deferred to seek clarification on the submitted plans and to reduce the width of the access point to 5m, omitting the bellmouth and with the height of the adjoining hedge to be reduced in order to provide improved sightlines towards oncoming traffic (west).

Relevant History:

FULL/2024/1849	Install raised swimming pool/spa with balustrade to north-west boundary, alter ground levels and erect retaining wall to new patio area to west of property. Remove and replace boundary hedge to east boundary of agricultural land.	Granted
FULL/2022/0669	Change of use of agricultural land to domestic garden (1,048 sq.m.), remove section of hedge and erect earth bank to north-west.	Refused

Existing Use(s):

Residential

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
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.

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. In this instance Policy GP8 (Design) is also relevant.

The use of the existing vehicular access adjacent to the junction between Rue Du Dos D'ane and Ruelle Julienne has been considered by the Planning Service as an alternative temporary access. However, due to the narrow width of the raised garden and change in topography between the garden and the house, it would prove impractical and therefore would be unreasonable in this circumstance to defer the application to suggest this alternative option.

In light of the amendments secured, the proposed 5m wide access point would not cause unacceptable harm to the landscape character or appearance of the area, particularly when taking into account the temporary nature of the works proposed.

Visibility for drivers leaving the site will be obstructed to the east and west by existing landscaping located on the south boundary and the south-west corner of the site. A vehicle would need to partially egress from the access point so that visibility towards traffic approaching from the east could be achievable. Although the application gives rise to some highway safety concerns given the temporary nature of the access and the proposed hedge reduction measures indicated (to the west) these concerns would not cause unacceptable harm. Based on the above, the short term access arrangements to facilitate building work to the rear of the site is acceptable and would not prejudice road safety or traffic management to a significant degree.

The reasonable aspirations of the householder outweighs the short-term harm to the landscape character and amenity of the area. A condition should be attached to the decision to ensure that the wall, bank and hedge are replaced following the completion of the works, or when the time period (1 year) has expired, whichever is sooner.

The proposal will not impact on the amenities of neighbouring residents.

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: 10/06/25