

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: Erect fence and gates to north and west of property (Retrospective).

LOCATION: Highland Springs, 1 Merryvale Chalets, La Route De L'Islet, St. Sampson.

APPLICANT: Mr E De Lange

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: 17/09/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/07/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan x 2, Key to Block Plan (date stamped received 4th July 2025), Key to Photographs (date stamped received 10th July 2025).

Application Ref: FULL/2025/0951

Property Ref: B017170001

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 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.

Expiry Date: This permission will cease to have effect on 16/09/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, any boundary or ownership issues in relation to the position of the fence (as potentially extending outside of the application site as indicated on the Block Layout Plan) hereby installed, is not material planning considerations as defined in The Land Planning and Development (General Provisions) Ordinance, 2007), and any planning permission that might be granted would be without prejudice to the normal legal rights and privileges of third parties.

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/2025/0951
Property Ref: B017170001
Valid date: 04/07/2025
Location: Highland Springs 1 Merryvale Chalets La Route De L'Islet St.
Sampson Guernsey GY2 4EQ
Proposal: Erect fence and gates to north and west of property
(Retrospective).
Applicant: Mr E De Lange

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 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.

INFORMATIVES

For the avoidance of doubt, any boundary or ownership issues in relation to the position of the fence (as potentially extending outside of the application site as indicated on the Block Layout Plan) hereby installed, is not material planning considerations as defined in The Land Planning and Development (General Provisions) Ordinance, 2007), and any planning permission that might be granted would be

without prejudice to the normal legal rights and privileges of third parties.

OFFICER'S REPORT

Site Description:

The application site consists of an end of terrace dwelling-house (known as Highland Springs) positioned south of La Route De Islet.

The property is setback from the coast road by approximately 30-35m, and is served by Pine Trees estate road which also serves multiple other properties.

The application site is located Outside of the Centres as designated in the Island Development Plan. The site is not a protected building, nor sited in a Conservation Area.

Relevant History:

PAPP/1997/1446	Erect a conservatory.	Granted
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Existing Use(s):

Residential.

Brief Description of Development:

Retrospective permission is sought to install fencing and gates to the north and west of the property.

Due to the change in ground level, the fence heights vary along both the north and west elevations. The fences are installed on newly created boundary walls which also vary in height.

The property was once served by picket fencing and hedging, in what appears to have been planted in planters.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Impact on the character and appearance of the area.
- Impact on sightlines from neighbouring property.
- Conflicts with covenants regarding the placement of barriers in the parking areas.

Consultations:

None.

Summary of Issues:

- Whether the design of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.
- The impact on highway safety.

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).**

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.

Paragraph 19.9.5 of Policy GP8 states that:

"In other, less sensitive, areas a good standard of design will be expected, however the Island Development Plan adopts a supportive position with regard to building design in these areas to enable the property owner to exert personal choice in design matters. This adopts the flexible and proportionate

approach that underpins the Plan Objectives of the Island Development Plan. In all cases the design of soft and hard landscaping can also help to reinforce local character and distinctiveness, mitigate the impacts of development and can contribute to more sustainable construction and should also be considered from the outset as an intrinsic part of the design process.”

The character and appearance of properties along Pine Trees varies, with boundary treatments featuring a mixture of rendered walls, hedging and fencing to the front and side of properties.

Whilst the application site is positioned towards the entrance of Pine Trees and therefore is visible from the main road, the visual effect of the fencing sits in context with the backdrop of the house and surrounding built development to the rear (south). Also, the timber fencing and gates are of high quality and vary in height to respond to the change in ground levels.

Whilst it is considered that hedging or a rendered wall would have achieved a better design, the combination of fencing, gates and low wall in the manner installed is not considered to cause significant harm to the character or appearance of the surrounding area that would be sufficient to justify refusal. Overall, the proposal does detract from the character and appearance of the area, but does not result in unacceptable harm when taking into account the flexibility afforded to householder development (Policy GP13).

Due to the height and relationship to neighbouring properties, the proposal is not considered to cause significant harm to neighbouring residents with regards to shadowing or overbearingness.

Whilst it is acknowledged that erecting fencing in the manner proposed has undoubtedly restricted sightlines of vehicles egressing from properties to the south of the application site and looking towards vehicles travelling from the entrance of Pine Trees; the degree of impact on highway safety is not considered to be so substantial when taking into account traffic speeds and volumes along this highway. Overall, the proposal will have an effect on highway safety, although is unlikely to represent a significant highway safety concern to warrant refusal.

An informative should be attached to the decision to highlight that despite the position of the fencing falling outside of the application site (as shown on the block plan), any planning permission granted would be without prejudice to the normal legal rights and privileges of third parties should this be contested.

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.

Date: 17/09/25