

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Remove section of roadside bank and wall and erect retaining wall to south-west boundary for temporary period.

LOCATION: La Petite Hure, Val au Bourg, St. Martin.

APPLICANT: Lee Barton Ltd

I refer to the application referred to below received as valid on 03/09/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 28/11/2025

Drawing Nos: Tyrrell Dowinton Architects: 2481 03.21A

Application Ref: FULL/2025/1333

Property Ref: J011330000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The demolition of a section of the traditional roadside wall and earthbank in order to widen the road together with the replacement rendered blockwork roadside wall, would result in the unnecessary loss of a distinctive feature that positively contributes to the character and local distinctiveness of the area. The replacement wall by virtue of its design would have an adverse effect on the character of the surrounding rural environment. The proposal fails to comply with Policy GP1 (Landscape Character and Open Land) and GP8 (Design).

OTHER REMARKS:-

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, against a

decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2025/1333
Property Ref: J011330000
Valid date: 03/09/2025
Location: La Petite Hure Val au Bourg St. Martin Guernsey GY4 6EP
Proposal: Remove section of roadside bank and wall and erect retaining wall to south-west boundary for temporary period.
Applicant: Lee Barton Ltd

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The demolition of a section of the traditional roadside wall and earthbank in order to widen the road together with the replacement rendered blockwork roadside wall, would result in the unnecessary loss of a distinctive feature that positively contributes to the character and local distinctiveness of the area. The replacement wall by virtue of its design would have an adverse effect on the character of the surrounding rural environment. The proposal fails to comply with Policy GP1 (Landscape Character and Open Land) and GP8 (Design).

OFFICER'S REPORT

Site Description:

The property known as 'La Petite Hure' is a mid-twentieth century bungalow, which sits in the middle of the plot.

Val au Bourg lane comes down from the north, and winds around the west and south of the property. Towards the south-west corner of the site, the site is bounded by an earthbank and features a low level, granite retaining wall.

The vehicular access lies to the north-west of the site.

The land falls in a north-south direction. The neighbouring dwelling to the north (some 50 metres away) is at a slightly higher level, with neighbouring properties to the south and west at a lower level.

The agricultural field to the east of the dwelling also falls under the same ownership.

The dwelling is located Outside of the Centres as defined in the Island Development Plan. The agricultural field to the east lies within an Agriculture Priority Area.

Relevant History:

Reference No	Description	Decision
FULL/2025/0990 J013140000+J011 410000 La Jaoniere	Demolish dwelling. Erect replacement dwelling, erect single storey outbuilding, infill existing vehicle access, create relocated gated vehicle access and associated works. Change of use of agricultural land to domestic garden (1,188sqm).	Pending
FULL/2025/1344 J011350000 Field adjacent to Val au Bourg	Change of use of section of agricultural field to be used for storage of materials for a temporary period.	Pending
FULL/2024/2007 J011330000 La Petite Hure	Remove section of earth bank to widen vehicle access and erect gates to west (roadside) boundary.	Granted

Existing Use(s):

Residential.

Brief Description of Development:

Planning permission is sought to remove a section of the roadside earth bank and retaining wall to the south-west boundary of the site for a temporary period. The area of works focuses on a 4m section of the earthbank.

As set out in the agent's letter of 13th August, the rationale behind the application is to widen the road at this pinch point in order to enable larger vehicles to travel along La Petit Hure during the construction of a replacement dwelling-house on another site, known as La Jaoniere. The application ref: FULL/2025/0990 for that development is pending.

It is proposed to remove a section of the existing boundary wall and bank and erect an 800mm high rendered blockwork retaining wall.

The application is for a temporary permission for the period of October 2025 to August 2027. It is noted that on completion of the works to the replacement house, the earth bank would be reinstated to match the existing profile and that a comprehensive survey of the existing wall would be carried out to ensure it was reinstated to match the existing.

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

GP1 Landscape Character and Open Land.
GP8 Design.

GP9 Sustainable Development.
GP13 Householder Development.
IP9: Highway Safety, Accessibility and Capacity.

Representations:

The Authority has received representation from three parties objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Smaller commercial vehicles could be used as part of the demolition and rebuild of the existing property (FULL/2025/0990) without affecting the integrity of the lane.
- Weight of vehicles can disturb infrastructure below ground level.
- Temporary speed restriction road humps should be installed as part of the development in the interests of road users.
- To consider all relevant applications as a whole including apps FULL/2025/1344, and FULL/2025/0990.
- The application is speculative without planning permission for a replacement house nor contractor.
- The proposal would represent a reduction in the quality of the surrounding environment and will cause disruption to neighbours.
- No site notice displayed.

Consultations:

None.

Summary of Issues:

- Whether the removal of the earth bank and wall is acceptable.
- Whether the design of the replacement wall is acceptable.
- The impact of the development on the character and appearance of the area, neighbour amenity, highway safety or traffic management.

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.

Assessment approach:

Notwithstanding the justification for the application which is set out in the agent's letter, the proposal must be considered on its own merits and therefore independently of any other development proposed elsewhere.

The temporary nature of the permission being sought is a material planning consideration but must be balanced against all other material considerations relating to the proposal, including its visual impact and likely effect on the character and appearance of the locality.

Demolition of the earthbank and wall, design of the replacement wall, and the effect on the character and appearance of the area:

The existing earthbank and low granite wall is a traditional and distinctive feature in the rural landscape. The composition of the roadside boundary positively contributes to the character and appearance of the area. The repetition of traditional walls, earthbanks, and soft landscape such as trees and hedges add a sense of cohesion and unity along roadside boundaries.

Whilst the principle to replace a boundary treatment has the potential to be supported under Policy, it would be expected that the replacement boundary treatment should make an equal or enhanced contribution to the environment in which it is located to ensure that the landscape character or appearance of the area is not unacceptably harmed.

In this case, the replacement boundary treatment would consist of a low rendered blockwork wall. Erecting such a feature in this local context would be at odds with the general character of the roadside boundaries and would introduce a discordant element into the street scene, thus adversely affecting the landscape character and amenity of the area.

Consequently, notwithstanding the temporary period proposed and the proposals for reinstatement, the demolition of a section of the traditional roadside wall and earthbank in order to widen the width of the road, and the replacement rendered blockwork roadside wall, would result in the unnecessary loss of a distinctive feature that positively contributes to the character and amenity of the area. The replacement wall by virtue of its design would have an adverse effect on the character of the surrounding rural environment. The proposal therefore fails to comply with IDP Policies GP1 (Landscape Character and Open Land) and GP8 (Design).

Other matters:

In response to other points raised in the letters of representation, the weight, size and number of vehicles required during the construction phase of the development, or imposing temporary speed restrictions is not material to the determination of this application. The agent has provided evidence to confirm that the site notice was

displayed in accordance with the Land Planning and Development (General Provisions) Ordinance, 2007.

The proposal is not considered to have a detrimental effect on highway safety or traffic management.

Neighbour amenity will not be adversely affected as a result of the development.

Conclusion:

For the reasons set out within this report, it is recommended that the application be refused.

Date: 28/11/2025

