

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: Demolish dwelling, erect replacement dwelling, erect pergola and associated works, change of use of agricultural land to domestic garden (1,519sqm), install fence and gate to existing vehicle access and create additional gated vehicle access to east boundary.

LOCATION: Les Vesquesses, Rue Du Dos D`Ane, Castel.

APPLICANT: Mr & Mrs N Le Tissier

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: 20/02/2026

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/08/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Architecture: 25-1617 PD/01B, /02A, /03A, /04, /05B, /06A.
SWMP

Application Ref: FULL/2025/1355

Property Ref: D004230000

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.(a) Notwithstanding the details shown on the approved landscaping plan and prior to the commencement of any development (excluding the demolition of the existing dwelling and outbuildings) an ecological assessment of the site together with full details of all existing trees to be retained and all planting proposed for the landscaped areas (shown on drawing ref: 25-1617 PD/06 Rev A), to include the species, size and density of plants, trees and shrubs at the time of planting, shall be submitted to and approved in writing by the Authority.

(b) The landscaping scheme and biodiversity enhancements shall be planted, in strict accordance with the details approved under (a) above prior to the first occupation of the replacement dwelling hereby approved. 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 and to help assimilate the development into its surroundings and to ensure that biodiversity enhancements are secured.

5. No development, including site works, shall begin until a plan to show all trees to be retained on site together with an arboricultural method statement to detail how each tree will be protected during construction of the development has been submitted to and approved by the Authority. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the

protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features and this condition is imposed to make sure that they are properly protected while building works take place on the site.

6.No materials to be used on the exterior of the buildings shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To secure the satisfactory appearance of the completed development.

7.Prior to the first use of the new vehicle access point hereby approved, the granite walls shall have been erected either side and the access completed in accordance with the details shown on the approved plans.

Reason - To secure the satisfactory appearance of the completed development.

8. Prior to the first use of the new vehicle access point hereby approved, the pedestrian gate shall have been installed across the existing vehicle access point in accordance with the details shown on the approved plans.

Reason - To secure the satisfactory appearance of the completed development.

9. The replacement dwelling hereby approved shall not be first occupied until the solar panels have been installed in the positions shown on the approved drawings and made operational.

Reason - In the interests of sustainable development.

10. If, during development, any features of archeological interest are found to be present in the area of the site edged in red and coloured orange to the west of the proposed replacement dwelling (as shown on drawing ref: 25-1617 PD/01 Rev B) any development in this area of the site shall cease and the States Archaeologist shall be contacted for a site visit to be arranged. Works shall only recommence in this area of the site once written agreement has been obtained from the Authority.

Reason - There is potential for archaeological interest in this area of the site. This condition is imposed to make sure that should any features of archaeological interest be uncovered during works arrangements are made for these to be either protected or recorded.

11.The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has

been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

12. If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until the developer has submitted a method statement to the Authority to identify, risk assess, and address the unidentified contamination, and has obtained written agreement from the Authority for the works to proceed. Any subsequent development must be carried out in accordance with the conclusions and recommendations of the approved report.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

Expiry Date: This permission will cease to have effect on 19/02/2029 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With regard to condition 4 of this permission it is recommended that the applicants commission a suitably qualified ecologist to undertake an ecological assessment of the site which shall be used to inform the creation of a landscaping scheme that delivers biodiversity enhancements over the pre-application and proposed post application impacts.

The hard surfacing areas should be carried out using porous materials or provision should be made for all run-off water to be taken to a permeable or porous area. Advice about surfacing types and construction methods is contained within a UK Government publication: 'Guidance on the permeable surfacing of front gardens'. This contains useful guidance and can be viewed at www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens.

'Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing building may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected by a suitably qualified person prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species are not impacted by the works.

It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg

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/2025/1355
Property Ref: D004230000
Valid date: 21/08/2025
Location: Les Vesquesses Rue Du Dos D`Ane Castel Guernsey GY5 7LB
Proposal: Demolish dwelling, erect replacement dwelling, erect pergola and associated works, change of use of agricultural land to domestic garden (1,519sqm), install fence and gate to existing vehicle access and create additional gated vehicle access to east boundary.

Applicant: Mr & Mrs N Le Tissier

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - The trees are important features and this condition is imposed to make sure that they are properly protected while building works take place on the site.

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Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

12. If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until the developer has submitted a method statement to the Authority to identify, risk assess, and address the unidentified contamination, and has obtained written agreement from the Authority for the works to proceed. Any subsequent development must be carried out in accordance with the conclusions and recommendations of the approved report.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

INFORMATIVES

With regard to condition 4 of this permission it is recommended that the applicants commission a suitably qualified ecologist to undertake an ecological assessment of the site which shall be used to inform the creation of a landscaping scheme that delivers biodiversity enhancements over the pre-application and proposed post application impacts.

The hard surfacing areas should be carried out using porous materials or provision should be made for all run-off water to be taken to a permeable or porous area. Advice about surfacing types and construction methods is contained within a UK Government publication: 'Guidance on the permeable surfacing of front gardens'. This contains useful guidance and can be viewed at www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens.

'Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing building may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected by a suitably qualified person prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg

OFFICER'S REPORT

Site Description:

The application site comprises a pre-1900 detached traditional dwelling with two relatively large outbuildings situated to the west and south. To the rear of the property (west) there is also remnants of a domestic glasshouse attached to one of the outbuildings.

The property is situated on a large plot (circa 22,727m² in area) of which circa 1,650m² is recognised as domestic curtilage for the property, with the remainder of the land forming agricultural land. The property is setback from Rue Du Marais to the east and is accessed via a vehicle access point in the southeast corner of the site and relatively narrow driveway formed to the south of the main dwelling.

Surrounding the site the area comprises agricultural land to the north, south and west and to the east on the opposite side of Rue Du Marais are farm buildings and residential dwellings, comprising mixed building types and design. Beyond the residential dwellings is agricultural land.

The site is situated Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

PAPP/2002/2708	Resurface driveway.	Granted 02/09/2002
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Existing Use(s):

Residential – property and garden area (edged in red on the application drawings)
Agricultural – remaining land (edged in blue on the application drawings)

Brief Description of Development:

Planning permission is sought to demolish the existing dwelling and to erect a new replacement dwelling with associated works and to erect a pergola. Permission is also sought to change the use of a section of agricultural land to domestic garden, to install a fence and gate to the existing vehicle access and to create an additional gated vehicle access to the east boundary.

During the course of consideration, the application was deferred on two occasions for further information to justify the loss of agricultural land. On both occasions additional information and revised plans were submitted reducing the extent of land associated with the residential curtilage extension. The most recent revised plans received (date stamped received 29/01/2026) are assessed in detail below.

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

Island Development Plan Policies

- OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Area;
- GP1: Landscape Character and Open Land;
- GP8: Design;
- GP9: Sustainable development;
- GP13: Householder Development;
- GP15: Creation and Extension of Curtilage;
- IP9: Highway Safety, Accessibility and Capacity.

Representations:

One letter of representation was received objecting to the proposal, the grounds for objection are summarised as follows:

- The bigger building requires an extension to the curtilage within the Agriculture Priority Area;
- No details of the proposed wildflower meadow or future management has been included as part of the scheme;
- The trees proposed for the site are largely non-native;
- It is questioned whether the planting proposed under the evergreen trees will be successful;
- It is questionable whether bulbs should be imported from outside of the Island for the planting scheme;
- The forms states that no trees will be lost as part of the proposal, however trees have been felled;
- A suitably qualified expert should assess the house for the presence of bats, wildlife and birds before any works commence;
- Bird boxes and bat boxes could be introduced to increase biodiversity net gain;
- The property is in a rural area and the scheme will do nothing to enhance the natural aspect of this location and the plans should be scaled back.

A letter of representation was also received from La Societe Guernesiaise which stated the following:

"We note that the site is within an Agricultural Priority Area. La Societe remains concerned over the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan currently permits the consideration of such applications, we seek to optimize ecological gains in such cases wherever possible. Due to other commitments over recent weeks, we were unable to view this application during the 21 days and therefore cannot determine if any biodiversity measures were included or if they were adequate in relation to the scale of proposed curtilage extension.

We wish to advise that La Societe would be able to assist with matters relating to biodiversity measures, for example to arrange surveys of the existing site and to provide suitable recommendations on how the land could be enhanced in terms of its ecological value by appropriate native planting and ongoing maintenance.

We would also like to highlight that many types of buildings can be used by roosting bats. This likelihood can increase when the property is located within a variable landscape with habitats such as farmland or woodland nearby. The Bailiwick Bat Survey has shown that there are bat populations in this particular part of the island.

We would recommend that the existing building, in particular the roofspaces, be inspected for current or recent use by bats by a suitably qualified person prior to any building or demolition works. This would reduce the risk of disturbing or destroying animals which are legally protected under the Animal Welfare Ordinance 2012.

We would request that appropriate provision for roosting bats and certain species of nesting birds be incorporated into any new development. We would recommend that if this application is considered further, such wildlife considerations are covered by an appropriate planning condition. If an informative note is used instead, we would request the following wording -

‘Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing building may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected by a suitably qualified person prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg’

Consultations:

Office of Environmental Health and Pollution Regulation

By letter dated 23rd September 2025 stated the following:

“I have reviewed the proposed plans for the above site which include the demolition of the existing dwelling and the change of use of agricultural land to domestic garden. There are a number of issues of concern regarding the land contamination that I must raise.

There is potential for contamination on this land due to its former use as a growing site and the historic presence of several glasshouses. Should the applicant intend to grow consumables on this land, I recommend that they consider the potential for contamination and the associated risks.

With regard to the demolition of the existing building and plans to erect a replacement dwelling, it is not known whether any contaminated land surveys have been carried out historically as part of any previous development at the site which would assess any risks posed by historical glasshouse use. Without knowing this, there is the potential for the land to be contaminated. Given the historic development of the site and that the breaking of ground is some distance from the location of the historic glasshouses, I do not believe it would be proportionate to recommend a full contaminated land condition. I would however recommend the following condition is attached to any consent granted for this application:

- If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until the*

developer has submitted a method statement to the Authority to identify, risk assess, and address the unidentified contamination, and has obtained written agreement from the Authority for the works to proceed. Any subsequent development must be carried out in accordance with the conclusions and recommendations of the approved report.

I would be grateful if these issues are considered during the determination of this application.”

States of Guernsey Culture and Heritage

By letter dated 12th September 2025 the States Archaeologist stated the following:

“There is some potential archaeological interest in this land parcel in the presence of German fortifications to the west of the property. There is purported to be a Tobruk pit and possibly some associated works in the wooded area about 35m west of the existing building (marked by the blue dot on the image). The ground has been overgrown for many years, however, and thus the presence of this feature has never been satisfactorily confirmed.

On the basis of the plans submitted, it appears that the proposed development does not extend far enough to the west from the current property to encounter any German structure, but I would be grateful if an informative notice could be placed on the decision to indicate the possibility of Second World War features in this area, and to ask the developers to contact me if anything is uncovered.”

Agriculture Countryside and Land Management Services

By letter dated 6th October 2025 stated the following:

“We are writing in response to the consultation letter dated 26 September in relation to the application to demolish a dwelling, erect new dwelling and associated works, including the change of use of agricultural land to domestic curtilage (1,519m²) at Les Vesquesses, Castel.

As acknowledged in the application’s supporting information, the land is designated as an Agriculture Priority Area (APA) in the Island Development Plan. The application has not provided any information as to whether the site cannot be used for agricultural purposes. Given the proximity to a working commercial farm, and the size and soil quality of the area, this site is likely to be able to make a positive contribution to the commercial agricultural use in the area. This application therefore does not accord with policy GP15.

Since 2021, there has been a requirement for changes of use from agricultural to domestic curtilage to provide an enhancement to biodiversity. The application does not include an assessment of the existing biodiversity value of the site and so it is not possible to understand what biodiversity loss may result from the proposed development. However, some available datasets can help indicate whether there is likely to be a loss in biodiversity:

- The 2018 Phase 1 habitat survey classified the immediate surrounds of the property as Planted Broadleaved Woodland. This is a priority habitat in Guernsey and so should be considered an important ecological feature. The grassland to the north and west is classified as Improved Grassland, which describes its agricultural use.*
- Aerial photography from 1990 – 2022 supports the above habitat classifications, illustrating a number of mature trees surrounding the existing property.*

Any loss of tree cover or change in management to the woodland habitat is likely to result in a loss of biodiversity value. The covering letter included in the application makes reference to a tree survey. It is recommended that the survey, which should have been done to British Standard BS5837:2012, is requested to understand the tree works which will be required to facilitate this development.

*We welcome the inclusion of native species within the proposed ‘wildflower meadow’ however the proposed tree species are not native and would therefore create relatively limited ecological value compared to native plantings. From a landscape perspective the use of species such as *Chamaecyparis lawsoniana glauca* and *Araucaria heterophylla* would detract from the predominantly rural character of the landscape. Although *Tilia cordata* is native the cultivar “Green Spire” has been selected for uniformity, a characteristic which is more appropriate in a more formal, urban context.*

Whilst further information is needed to fully understand the biodiversity value of the site (i.e., a preliminary ecological assessment and the referenced tree survey), given the potential loss of mature trees and woodland habitat, it is unlikely that the proposed landscaping scheme will be sufficient to result in an enhancement of biodiversity on site.

As the application does not accord with policy GP15, we recommend that this application is not approved. Should the applicant wish to submit a revised application or should the Planning Authority wish to consider this application for approval, a preliminary ecological assessment should be requested ahead of determination to evidence whether the proposals result in an enhancement of biodiversity. This may need to include a revised landscaping scheme which increases its ecological value from that currently proposed.”

Following deferral of the application and the submission of revised plans ACLMS were reconsulted and by letter dated 12th December 2025 stated the following regarding the revised plans:

“We are writing in response to the revised plans submitted in relation to the application to demolish a dwelling, erect a new dwelling and associated works, including the change of use of agricultural land to domestic curtilage (1,519m²) at Les Vesquesses, Castel.

Our comments on the revised scheme fall broadly into two topics: 1) the loss of agricultural land within an APA and 2) whether the proposals will achieve an enhancement in biodiversity. Detailed comments are appended to this letter, but by way of a summary, it has been concluded that:

1. *Whilst the application has sought means to mitigate the loss of agricultural land within an APA, it has not provided any justification as to why this land cannot be used for commercial agriculture. This application therefore does not appear to accord with policy GP15 and we recommend it is refused.*

2. *We welcome the amendments provided to the species selected in response to earlier comments however, given the loss of biodiversity which will result from the proposed works, and the additional impacts from the proposals to offset the loss of agricultural land, the revised scheme is not likely to result in an enhancement in biodiversity.*

It should also be noted that buildings of this type and construction have the potential to support nesting birds and roosting bats. It is recommended that a ground level roost assessment and breeding bird survey are undertaken, of both the main building and outbuildings, by a suitably qualified ecologist ahead of any disturbance or building works on site to ensure that the works do not result in a breach of the Animal Welfare Ordinance (2012).”

Following deferral of the application for a second time to address these concerns raised revised plans were submitted scaling back the extent of curtilage and providing details of the proposed planting. ACLMS was reconsulted and by letter dated 19/02/2026 stated the following:

“We are writing in response to the revised plans submitted in relation to the application to demolish a dwelling, erect a new dwelling and associated works, including the change of use of agricultural land to domestic curtilage at Les Vesquesses, Castel. Our comments on earlier plans noted that the proposed development would result in the loss of commercially viable agricultural land within an APA, however it is apparent from the revised plans that the loss of viable land has been minimised as far as possible whilst also allowing safe access to the property.

We note that the revised landscaping scheme includes three proposals to enhance biodiversity: the planting of hedging (NH1), and the planting of a number of trees (area A) and a wildflower meadow. Unfortunately the species selected are unlikely to

establish and form mature trees as intended due to the shading from retained trees as marked on the landscaping scheme. Likewise, the wildflower meadow proposed is unlikely to be successful due to the shading from the trees.

As outlined in our previous responses, the 2018 Phase 1 habitat survey recorded a number of habitats at the site considered to be important ecological features. It has been brought to our attention that a large proportion of the vegetation surround the existing dwelling has been cleared which will have resulted in a loss of biodiversity on the site. As clearance has taken place immediately prior to the submission of the application, and in line with UK legislation and international best practice, the pre-clearance condition should be used as the baseline from which biodiversity enhancements are measured. This is essential to ensure that habitat destruction or degradation does not undermine the intention to protect wildlife through Planning policy. Furthermore, unless evidence can be provided to show the condition of the habitats prior to clearance (such as photographs or an earlier ecological assessment), the precautionary principle should be applied and it should be assumed that they were in 'good' ecological condition prior to clearance. Any enhancements should be measured against this baseline accordingly.

The landscaping scheme does not provide information on what will be changed within the proposed areas of domestic curtilage to the west and north of the proposed property and so there is the potential for further losses of biodiversity if this is to be altered to create, for example, formal lawns or areas of hard standing. Given the loss of existing mature woodland, removal of earthbanks, potential loss of additional natural habitats in the other areas proposed for change of use, and inappropriate tree and wildflower species choice for shaded locations, the current scheme will not result in a net enhancement of biodiversity. We note the inclusion of the report by Tree Dimensions but, given the presence of important ecological features and the requirement to achieve an enhancement in biodiversity, should Planning Service wish to consider this scheme for approval, it is recommended that the applicants commission a suitably qualified ecologist to undertake an ecological assessment which should be used to inform the creation of a landscaping scheme that delivers biodiversity enhancements over the pre-application and proposed post-application impacts. This ecological assessment should be commissioned and undertaken ahead of any works on site, including demolition or any further site clearance.

It appears that the development is proposed to take place within the root protection areas of existing trees (as defined in British Standard 5837:2012) therefore any proposals should be accompanied by a tree protection plan which shows trees for retention and which illustrates the tree & landscape protection measures. It should also include an arboricultural method statement which describes the methodology for the implementation of any aspect of development that is within the root protection area or has the potential to result in loss or damage to trees to be retained.

It should also be noted that buildings of this type and construction have the potential to support nesting birds and roosting bats. It is recommended that a ground level roost assessment and breeding bird survey are undertaken, of both the main building and outbuildings, by a suitably qualified ecologist ahead of any disturbance or building works on site to ensure that the works do not result in a breach of the Animal Welfare Ordinance (2012).

In summary, should Planning Service wish to consider this application for approval, we recommend that an ecological assessment, details of biodiversity enhancements, a tree protection plan, an arboricultural method statement, a ground level roost assessment and a breeding bird survey are all secured within a suitably worded condition and required prior to any works on site, including demolition or site clearance.”

Summary of Issues:

- The principle of a replacement dwelling;
- Design, form, scale and massing of the proposed development and its impact on the character of the surrounding area;
- Impact of the development on the amenity of people living in the area;
- Whether the extension to the domestic curtilage is acceptable; and
- Parking and access issues.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The principle of a replacement dwelling

The application falls to be considered under policy GP13: Householder Development which allows, subject to accordance with the criterion of this policy, consideration of proposals that involve the demolition and replacement of existing buildings.

Replacement dwellings on a one for one basis must be assessed irrespective of the size of the existing or proposed replacement dwelling. The application for the demolition of the existing dwelling and erection of a replacement dwellinghouse on a one for one basis, accords with Policy GP13 in this respect.

In the case of proposals involving demolition and replacement of existing buildings, Policy GP13 requires the particular positive contribution that an existing building may be considered to make to the character of the area concerned. Proposals will be supported where the replacement would enhance the character of the area and make a more positive contribution to the area.

Although of pre-1900 construction and of traditional form and appearance when viewed from Rue Du Marais to the east, the building has suffered from unsympathetic and poor-quality flat roofed extensions which significantly detract from its overall character and appearance. The building and the associated outbuildings are not altogether attractive, nor do they make a positive contribution to the surrounding area. The proposed demolition of all structures on site and their replacement with a single dwelling would (for reasons discussed in the design section of this report) make a more positive contribution to the area thus enhancing its character.

For these reasons it is considered that the principle of demolition and construction of a replacement dwelling is acceptable in this location.

Design, form, scale and massing of the proposed development and its impact on the character of the surrounding area

Policy GP13: Householder Development sets out a number of criteria that should be satisfied. The policy also identifies that consideration must be given to the contribution the existing building makes to the character of the area concerned and that a Waste Management Plan should be submitted with a planning application. This must demonstrate how waste associated with the development process is to be minimised, how existing materials on site are to be reused on or off site and how residual waste will be dealt with.

The preceding text to Policy GP13, paragraph 19.14.10 states:

“In considering proposals for the replacement of a dwelling on a one for one basis, consideration will be given to the impact of the new building on the openness of the area rather than a comparison between the impact of the existing dwelling compared with the impact of the new. A replacement dwelling can therefore be larger than the dwelling it is replacing and have a greater impact upon the openness of the area concerned compared with the existing dwelling and will be supported where the Authority is satisfied that the proposed impact is acceptable when considered against all relevant policies of the Island Development Plan.”

Policy GP8: Design seeks to ensure that development respects the quality of the physical environment, recognising that good design can contribute to the creation of a cohesive built environment that enhances the experience of the Island whether that is for living, working or visiting.

In this regard policy GP8 supports development that achieves good design that respects the local character but demonstrates an effective and efficient use of land and uses soft and hard landscape where appropriate to help mitigate and/or assimilate a scheme within its setting. The policy recognises the importance of development of a residential nature to allow for flexibility and adaption to suit needs whilst also assuring that proposals have addressed the health and well-being of the future occupiers and neighbours.

The application site is not within a Conservation Area or close to any Protected Buildings. There is a variety of building forms and styles in the surrounding area. Paragraph 19.9.5 of the IDP which forms the preceding text to Policy GP8 states that: *'In other, less sensitive areas' (not within Conservation Areas, Sites of Special Significance and Protected buildings), '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.'*

The proposed dwelling will be built in a similar position on the site. Whilst it is noted that the volume and bulk and massing of the proposed dwelling will be much larger than the existing, the site comprises a substantial plot that is capable of accommodating such a building. The scheme takes a modern contemporary design and its sloping roof form, balconies and projecting elements on each elevation, together with the use of modern contrasting materials help to break up the elevations and reduce the bulk and massing of the building. At its heights point the replacement dwelling has been kept to a minimum and will measure only 60mm above the height of the existing building. This ensures that in long range views from the coast road to the north, the proposal will be of similar proportions with the north gable visible from this direction.

The building will make the best use of the site and has also been designed to make the best use of the existing topography which drops substantially in height from west to east and lowers from south to north. From Rue Du Marais to the east, the property will appear as a two storey dwelling set within the landscaped backdrop immediately to the rear (west of the site). An undercroft storage area is proposed under part of the building where the level of the land drops to the north.

The materials as proposed appear to be sympathetic and would not be out of keeping with the rural character of the area. However, should planning permission be granted it is recommended that a condition is included for details of all external materials and any finish to be applied to the proposed cladding to be submitted to and agreed in writing by the Development & Planning Authority. This will ensure that high quality and appropriate materials to respect the character of the area are used. Following deferral of the application the extent of hardstanding has also been reduced substantially to an acceptable level and the proposed driveway reduced in both width and extent to be more in-keeping with this rural location. Additional planting areas have also been proposed surrounding the dwelling as an alternative to the hardstanding initially proposed to be more in-keeping with the surrounding area. The proposed pergola to the rear of the site and the associated development is acceptable, and would not cause harm to the surrounding area.

Given the varied nature of development in the locality and the topography of the site it is concluded that the dwelling and the associated works as proposed will not appear unduly visually intrusive and would not be out of keeping in the locality. It is

concluded therefore that the scheme, will preserve the character and appearance of the locality and accords with both Policies GP8 and GP13 of the Island Development Plan in this respect.

Paragraph 19.10.4 of the IDP (which forms the preceding text to Policy GP9) outlines that the design, layout and orientation of buildings, their form of construction and the materials used have a key role in delivering more sustainable development and reducing energy demand.

A supporting statement has been submitted confirming that the requirements of Policy GP9 regarding energy use and current Building Regulations have been considered. The drawings also show areas where PV cells will be installed and that an electric vehicle charging point is to be installed. A Site Waste Management Plan with a detailed account of how waste associated with the development will be disposed of has also been submitted.

Based on the contents of the Site Waste Management Plan it is considered that the waste at this site will be appropriately controlled and provided that the waste is disposed of in accordance with the Waste Management Plan (which can be controlled by condition) the proposal satisfies the provisions of Policy GP9 & GP13 in this respect.

Access and egress to the property is currently in the southeast corner of the site which forms the junction between Rue Du Marais and Rue Du Dos D'Ane. Given the tight confines of the current access and the width between the pillars it renders the access extremely difficult to access the property from a westerly direction. Being so close to the main junction the access is also a detriment to highway safety with insufficient visibility splays to the west. The proposal therefore includes a new vehicle access point, to be located further to the north of the existing access, with an access drive that will link to the existing driveway. A gated entrance is proposed to provide an element of security and a boundary enclosure. Although the proposal will result in the loss of a section of earthbank in this location, a bell mouth-radii has been provided to reduce the visual impact of the proposal on the character of the area. A granite wall is proposed to border the access point in-keeping with the rural character of the surrounding area.

The gates have also been setback from the main carriageway by 7.0m to enable vehicles to safely leave the carriageway whilst waiting for the gates to operate.

Based on the above the proposed vehicle access point is acceptable, would not significantly harm the visual amenity of the surrounding area and complies with policies GP8 and GP9 in this respect.

Impact of the development on the amenity of people living in the area

Policy GP8 requires *inter alia* that proposals for new development will be expected to consider the health and well-being of the occupiers and neighbours of the development by means of providing adequate daylight, sunlight and private/communal open space.

The nearest residential property is situated circa 100m to the east of the property on the opposite side of Rue Du Marais. At this distance the proposal would not cause any harm to the residential amenities afforded to its occupiers.

The scheme has been designed to provide for the future occupiers of the dwelling with flexible living accommodation, off-road parking and private amenity space which will provide access for all and will enable future occupiers to remain in the property for longer.

Considering the above the scheme accords with policies GP8 and GP13 in this respect.

Whether the extension to the domestic curtilage is acceptable

The IDP recognises that agriculture plays a relatively small part in Guernsey's economy but is valuable for its land management function protecting and enhancing the countryside and providing visual access to open space.

The Strategic Land Use Plan requires a balance to be made between the protection of land for agriculture for the industry's current and future needs and recognising the role it plays in countryside management with ensuring land is available to meet other legitimate development requirements. The Island Development Plan has therefore identified large areas of contiguous agricultural land, and other areas well related to established agricultural operations, which represent Guernsey's most valuable agricultural land. These have been identified as Agriculture Priority Areas (APA). The Agriculture Priority Areas are not intended to safeguard the land for agricultural use if it is not appropriate or is not required for that use or where the inclusion of an area of land into a larger land parcel for agricultural purposes would have a negative environmental impact. The Island Development Plan policies therefore allow for other forms of development within the identified Agriculture Priority Areas provided that they accord with all the other relevant policies of the Island Development Plan (Policy OC5A).

Policy GP15 makes provision for the extension and creation of curtilages to serve both domestic and non-domestic buildings.

The extent of curtilage extension has been reduced substantially following the deferral of the application and to address the concerns raised by ACLMS. This has included a total reposition of the access driveway which now links to the existing driveway to reduce the impact of the proposal on the APA.

The proposed domestic curtilage extension is in two parts, an area to the west of the main dwelling totalling circa 425m² and an area to the north of the dwelling which runs parallel to the driveway to the property totalling 966m². The area to the west of the main dwelling is separated from the remainder of the agricultural land to the north by existing trees and an embankment. The land further west is also steep in topography and is not suitable for agricultural purpose. The area to the north of the property is also separated from the remainder of the agricultural land by a band of trees and an embankment. In this case, and for these reasons the land could not readily contribute to the commercial function of the Agriculture Priority Area. Furthermore, given the need and the reasonable aspiration of the property owner to improve the existing substandard vehicle access to the property, the benefits this will have on highway safety in this instance on balance and given the characteristics of this particular site would outweigh any impact on the APA. ACLMS was reconsulted and raised no objection regarding the loss of APA land.

With regard to the impact on neighbouring properties, the proposal involves a change of use of an area of land to be included and managed as part of the residential curtilage and given the location of the land in relation to neighbouring residential properties the proposed change of use would not of itself have an adverse impact on or affect their amenities.

It is considered that the change of use would accord with Policy GP15 and the principle of change of use to domestic curtilage is considered to be acceptable in this particular instance.

Given the established site boundaries and that additional planting is proposed to separate the land from the remaining agricultural land the proposed change of use would not undermine the wider landscape character or the openness of the area in accordance with Policy GP1.

The application drawings show enhancements proposed including the establishment of a wildflower meadow to improve existing grassland habitats, reinforced border planting, and native tree and hedge planting. However concerns raised by ACLMS remain and in particular that given the shaded nature of the area, the proposed planting will not provide biodiversity enhancements. It is recommended therefore that prior to the commencement of any development on the site (excluding demolition) that an ecological assessment is submitted for the site which shall be used to inform the creation of a landscaping scheme that delivers biodiversity enhancements over the pre-application and post application impacts which can be secured by condition. Subject to this and conditions ensuring that the planting is achieved in the first planting season following occupation of the main dwelling, and for a tree protection plan with arboricultural statement to demonstrate how existing trees will be protected from the works (as recommended by ACLMS) the scheme accords with the aims of the Strategy for Nature.

The comments received by ACLMS regarding the need for a ground level roost assessment and a breeding bird survey are noted however to be consistent with all other applications for replacement dwellings of a similar age and type in similar rural locations, it is recommended that a such a condition would be unjustified and a suitable informative be imposed.

Parking and access issues

As referred to previously within this report, the existing vehicle access point is substandard and causes a detriment to highway safety. The proposed vehicle access point has been appropriately positioned away from the junction and will enable sufficient visibility splays of approaching vehicles in both directions. The gates have been setback from the highway by 7m to enable a vehicle to leave the highway whilst waiting for the gates to operate.

Sufficient car parking has been provided and suitable space is provided for vehicles to enter and egress the site forward facing. Sufficient storage space exists to accommodate required secure, covered cycle parking for the proposed dwelling. For these reasons the proposal would not cause harm to highway safety and complies with IDP policy in this respect.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 20/02/2026

