

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 existing garage and clinic and erect dwelling to west of site, change of use of agricultural land to domestic garden (403 sqm), create vehicle access and associated works.

LOCATION: Bergen, La Giffardiere, Albecq, Castel.

APPLICANT: Mr & Mrs J Lihou

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: 06/08/2026

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/12/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7712-02/B1B, /B2B, /B3B & /B4B, GP9 Sustainability statement

Application Ref: FULL/2025/1862

Property Ref: D012060000

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 new access point hereby approved, as shown on drawing ref: 7712-02B1 B, shall be formed and made operational prior to commencement of works at the site, excluding demolition of the existing garage/clinic wing. No materials, equipment or machinery shall be stored on the agricultural land during the construction phase of the development.

Reason - to ensure a safe access both during construction and once the new dwelling is occupied, and to avoid utilising the existing agricultural access and land for storage of materials, equipment and machinery, needed as part of the construction phase of the development.

5. The 'previously approved sub-division' dwelling-house, as shown on drawing ref: 7712-02 B1 B, shall be demolished in its entirety prior to the completion or the first occupation of the 'New Dwelling', whichever is the sooner, in accordance with the approved details.

Reason - To ensure that the 'New Dwelling' as shown on drawing 7712-02 B1 B hereby approved is constructed on a one-for-one basis to accord with the provisions of Policy OC1 (Housing Outside of the Centres).

6. (a) The new hedges to the west and north of the 'New Dwelling' as shown on the approved drawing (ref: 7712-02 B2 B), to demarcate the approved extension of curtilage shall be planted in accordance with the details set out on the approved drawing, in the first planting season (October - April) from the date of grant of this permission, unless otherwise agreed in writing by the Authority. 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.

(b) The remainder of the landscaping scheme (all aspects excluding the hedges referred to in part (a) of this condition) shall be completed in accordance with the details set out on the approved drawing, by the end of the first planting season following the completion or first occupation of the approved dwelling (whichever is the sooner). 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 ensure that the hedge planting to the side and rear of the site is carried out in a suitable timeframe following the hereby approved domestic curtilage extension being brought into use, and to assimilate the development into its surroundings and provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

7. The solar panels and EV charging points shall not be installed, and the permeable hard surfaces shall not be constructed, until details of their construction and installation have been submitted to and agreed in writing by the Authority. The development thereafter shall not be occupied until the solar panels, permeable hard surfacing, and the electric car charging point set out in the PF+A Design & Sustainability Report (dated stamped 24/11/25) have been installed/completed/made operational.

Reason - To ensure that surface water is dealt with within the site, and the solar panels and EV charging point are made available prior to the occupation of the dwellings, in the interests of sustainable development (Policy GP9, Sustainable Development).

8. No part of the development, hereby permitted, shall be occupied until the bicycle store and the allocated parking spaces serving the hereby dwelling-house as shown on drawing reference 7712-02 B1 B & B2 B have been fully completed.

Reason - To encourage the use of bicycles as an alternative to the car and to ensure the approved off-street parking is provided to take into account Supplementary Planning Guidance - Parking Standards and Traffic Impact Assessment (2016).

9. 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 and 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.

Expiry Date: This permission will cease to have effect on 05/08/2029 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment. It is desirable that you contact the States Archaeologist, Culture & Heritage Service and access be granted should any archaeological interest be found on site during excavation works. The Archaeology team can be contacted on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210.

The Authority recognises all of the land outlined in blue on the submitted plan(s) as agricultural land. For the avoidance of doubt, use of this land for domestic access or for parking of domestic vehicles would require a separate application for planning permission.

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/2025/1862
Property Ref: D012060000
Valid date: 08/12/2025
Location: Bergen La Giffardiere Albecq Albecq Castel Guernsey GY5 7HN
Proposal: Demolish existing garage and clinic and erect dwelling to west of site, change of use of agricultural land to domestic garden (403 sqm), create vehicle access and associated works.
Applicant: Mr & Mrs J Lihou

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 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 new access point hereby approved, as shown on drawing ref: 7712-02B1 B, shall be formed and made operational prior to commencement of works at the site, excluding demolition of the existing garage/clinic wing. No materials, equipment or

machinery shall be stored on the agricultural land during the construction phase of the development.

Reason - to ensure a safe access both during construction and once the new dwelling is occupied, and to avoid utilising the existing agricultural access and land for storage of materials, equipment and machinery, needed as part of the construction phase of the development.

5. The 'previously approved sub-division' dwelling-house, as shown on drawing ref: 7712-02 B1 B, shall be demolished in its entirety prior to the completion or the first occupation of the 'New Dwelling', whichever is the sooner, in accordance with the approved details.

Reason - To ensure that the 'New Dwelling' as shown on drawing 7712-02 B1 B hereby approved is constructed on a one-for-one basis to accord with the provisions of Policy OC1 (Housing Outside of the Centres).

6. (a) The new hedges to the west and north of the 'New Dwelling' as shown on the approved drawing (ref: 7712-02 B2 B), to demarcate the approved extension of curtilage shall be planted in accordance with the details set out on the approved drawing, in the first planting season (October - April) from the date of grant of this permission, unless otherwise agreed in writing by the Authority. 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.

(b) The remainder of the landscaping scheme (all aspects excluding the hedges referred to in part (a) of this condition) shall be completed in accordance with the details set out on the approved drawing, by the end of the first planting season following the completion or first occupation of the approved dwelling (whichever is the sooner). 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 ensure that the hedge planting to the side and rear of the site is carried out in a suitable timeframe following the hereby approved domestic curtilage extension being brought into use, and to assimilate the development into its surroundings and provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

7. The solar panels and EV charging points shall not be installed, and the permeable hard surfaces shall not be constructed, until details of their construction and installation have been submitted to and agreed in writing by the Authority. The development thereafter shall not be occupied until the solar panels, permeable hard surfacing, and the electric car charging point set out in the PF+A Design & Sustainability Report (dated stamped 24/11/25) have been

installed/completed/made operational.

Reason - To ensure that surface water is dealt with within the site, and the solar panels and EV charging point are made available prior to the occupation of the dwellings, in the interests of sustainable development (Policy GP9, Sustainable Development).

8. No part of the development, hereby permitted, shall be occupied until the bicycle store and the allocated parking spaces serving the hereby dwelling-house as shown on drawing reference 7712-02 B1 B & B2 B have been fully completed.

Reason - To encourage the use of bicycles as an alternative to the car and to ensure the approved off-street parking is provided to take into account Supplementary Planning Guidance - Parking Standards and Traffic Impact Assessment (2016).

9. 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 and 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.

INFORMATIVES

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment. It is desirable that you contact the States Archaeologist, Culture & Heritage Service and access be granted should any archaeological interest be found on site during excavation works. The Archaeology team can be contacted on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210.

The Authority recognises all of the land outlined in blue on the submitted plan(s) as agricultural land. For the avoidance of doubt, use of this land for domestic access or for parking of domestic vehicles would require a separate application for planning permission.

OFFICER'S REPORT

Site Description:

The application site comprises an extended dwelling house located within the domestic curtilage to the north-east of the site and open land designated as agricultural land to the south-west. The site is located to the north of La Giffardiere, with residential properties extending away from the site along the roadside to the southwest and north-east, and further residential properties located along the roadside to the south side of the road. The land ownership includes a large parcel of open land extending away from the site to La Neuve Rue to the north.

The existing dwelling comprises a detached hipped roof structure with first floor accommodation in the roof space with an attached garage and foot clinic to the east. Both the domestic curtilage and the open land are served by independent accesses from La Giffardiere, whilst the open land to the north benefits from a further access on to La Neuve Rue.

The site is located Outside of the Centres in the Island Development Plan and neither the site, nor any adjoining land, is subject to any special designation. The Hommet headland, located over 160m to the south-west, is a designated Site of Special Significance. The only protected building in the area is Albecq Farm, located over 50m to the south of the site.

Relevant History:

P.5A Extend and alter garage to create a consultation room. Approved 12/11/02 – max. no. of clients would be 4 per day; max. no. of hours 10 per week; 8 parking spaces stated to be available. Conditioned as ancillary to the use of the dwelling by its occupants.

PAPP/2007/0659 Extend chiropody clinic. Conditionally approved 26/07/2007,

FULL/2023/0091 Sub-division of property to create additional dwelling (Residential Use Class 1) and alterations to fenestration. Approved 21/02/2023

FULL/2023/0708 Erect single storey extension to north (rear) elevation – exempt development 27/04/2023

Existing Use(s):

Residential Use Class 5
Agricultural Use Class 28

Brief Description of Development:

Permission was initially sought to demolish the existing garage and foot clinic to the east of the site and to construct a new two storey 1 bed plus study monopitch roofed dwelling to the west of the site. The proposal included the change of use of

agricultural land to domestic curtilage, including the erection of post and rail fencing and a hedge along the north boundary, and alterations to the roadside boundary and access to enlarge that access and provide the associated visibility splays.

Following initial deferral, the proposal was amended to a single storey, 1 bed, flat roof dwelling. The application was subsequently deferred again to address further concerns over the extent of change of use and the siting of the proposed dwelling-house. Consequently, the latest scheme seeks to re-position the dwelling closer to the host dwelling and has retained an area of agricultural land.

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

OC1	Housing Outside of the Centres
GP1	Landscape Character and Open Land
GP8	Design
GP9	Sustainable development
IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking
IP9	Highway Safety, Accessibility and Capacity

Representations:

Letters of representation were received from five persons in respect of the application as initially submitted making the following points:

- The policy route taken is contrary to the fundamental intentions of Policy OC1, to protect open spaces Outside of the Centres and to avoid new build on green fields;
- The proposed extension of curtilage is not justified and is not necessary and is contrary to the approach taken on recent similar cases (ref FULL/2024/1562);
- The proposal represents a loss of open land and the only remaining green corridor along La Giffarderie;
- Contrary to the statements within the submitted material, the land has been used as an allotment for several years;
- The land is not genuinely agricultural, but is part of a larger parcel of green land forming part of the beautiful landscape in this area and enjoyed by locals and tourists when visiting the area. The historical land designation should be established to inform the consideration of the application;
- The proposal will result in long term disturbance to wildlife, including lighting, noise and air pollution, and will result in piecemeal erosion of green and biodiverse grassland, conflicting with the Strategy for Nature and impacting on the wider wellbeing of the community. The land comprises threatened grassland habitat as described within the State of Nature Report, 2024;
- The proposal will permanently alter soil structure and impact on water runoff, laying of gravel has inherent issues;
- The land is clearly visible from various vantage points in the surrounding area;

- The proposed dwelling is fundamentally different to the approved, in terms of number of storeys, form and design;
- The proposed access would remove a section of distinctive pink granite wall;
- La Giffarderie is a narrow road, not a lane, with limited footways and is regularly used by vulnerable road users, as well as vehicles, including buses, and there have been accidents along the road. The proposal would increase traffic and consequently impact on road safety;
- The proposed access would increase movements on a junction of three roads, plus domestic accesses;
- There is currently a bus stop at the location of the site access, removal will impact on those living in the area;
- Parking currently occurs on an almost permanent basis on the land in question, and it is unclear where these vehicles would now be parked;
- No access should be permitted from the site to La Neuve Rue to the north across the open land, as appears to be allowed for from the submitted plans, including construction traffic. This would create road safety issues, would create an eyesore and would impact on the biodiversity of the field. It is also noted that this track historically comprised a public right of way;
- Impacts on neighbour amenity:
 - o The enjoyment of adjacent property partially derives from the setting, including the green landscape, seascape and skyline and the proposal will dramatically adversely affect that enjoyment;
 - o Increased road safety risk resulting from increased use of site access in close proximity to that of neighbouring properties;
 - o Loss of privacy due to overlooking from first floor windows;
 - o Oppressive impacts due to height of building;
 - o Negative light impact;
 - o Trees have recently been planted close to the boundary which impact on light to the neighbour;
- The site notice was displayed at the access to the existing dwelling and it was not therefore clear that the works related to the green land, and the site notice period was over the Christmas period which may have impacted on those that may otherwise have made comment;
- Photo B on drawing no 7712-02-A2 is incorrectly labelled;
- The Summary states that the extension of curtilage will help support the costs of glasshouse clearance, which is not applicable in this case.

All those who made representation were notified of the revised plans following the initial deferral, and two further letters of representation were received, in particular reiterating the following points:

- The change of use of the green field will shut down the only remaining green corridor from La Giffarderie to the coast, changing the character of the area and damaging biodiversity;
- The proposal does not take account the public right of access across the site;
- Increased risk of accident on an already overloaded and dangerous junction;
- Retention of access from Neuve Rue to the north;

- Impacts on neighbouring property, particularly relating to:
 - Surface water management as recent heavy rainfall has evidenced very poor drainage at the site;
 - Positioning of the compost heap;
- Open up the site to future development.

All those who made representation were notified of the latest set of revised plans, and three further letters of representation were received making the following points:

- Siting of a new gateway and its effect on highway safety.
- Protection of green fields/open spaces.
- Risk of further future development.
- Restricted sightlines, or potential loss of boundary hedge which would affect the character of the area.
- A recent road traffic collision, reinforcing that the junction is dangerous.

Consultations:

The States Archaeologist comments as follows:

As indicated in the 'proposed extension of curtilage' document, the land does not previously appear to have been used – there is no indication of (for example) glasshouse construction here, or any previous dwellings. It is just possible, therefore, that earlier archaeology may survive here. I would therefore like to request that the developers contact us if they note anything of interest.

I note in passing that the last sentence of this document states that 'the extension of domestic curtilage will help support the considerable costs of glasshouse clearance...', despite there being no obvious glasshouse clearance taking place. The '1962' aerial photo is not from 1962. It is also difficult to grasp from the submitted documentation where exactly the proposed demolition is to take place; it is marked in profile at the right-hand edge of plan 7712-02 B4, but does not appear to be shown in plan.

Traffic and Highway Services comment as follows:

A site visit has been carried out by the Traffic and Highways Services (THS) Officer, and the following observations have been made.

Bergen is situated on La Giffardière, Castel, which is classified as a neighbourhood route within the island road hierarchy and has a posted speed limit of 35 mph with regular traffic movements. These movements increase at school peak times due to the nearby Castel Primary School, as does associated cycling and walking activity. However, THS observed significantly less traffic during daytime site visits. La Giffardière also benefits from a regular bus service operating twice an hour, with a painted bus stop located directly outside the proposed access. There are several

examples across the island where a bus stop is positioned in front of a private access, and THS does not consider this arrangement to present a Road Safety or Traffic Management concern.

The existing property is located at the southeast of the site, enclosed by hedging and fencing, and is served by its own access point. The proposal is to extend the domestic curtilage to construct a new 2-bed dwelling to the southwest of the site. There is currently a 2.5m access to this land from the carriageway, secured by a field swing gate, and this is where the proposed access will be located. The application seeks to remove a section of the front boundary wall and hedging to create a 4 m-wide vehicular access with a bellmouth, leading to a parking area for two vehicles (although THS notes that the proposed area could likely accommodate up to four vehicles).

The proposed access is located on a long, straight section of La Giffardière and opposite the junction with Le Retot, a small neighbourhood road with very low traffic movements. As this access is pre-existing, THS does not consider the proposed intensification of use to raise Traffic Management concerns given the relatively sporadic traffic and pedestrian activity in the area.

The existing front boundary wall is approximately 70cm high and is topped by a large hedge, taking the overall height above 2m. Drawing 7712-02 B4 Street Scenes indicates that all hedging above the wall will be removed to achieve the oncoming (west) sightline, and approximately 9m will be removed to achieve the approaching (east) sightline. The neighbouring property to the west has hedging at a height of 1.5m, which limits the achievable oncoming sightline to 22.5m—below the required standard. In addition, a 1.1m-high electricity box within the boundary wall, located 10.5m from the proposed access, creates a blind spot between approximately 19m and 21.5m. The achievable approaching sightline is 37m.

It is noted that the land is bordered to the north by La Neuve Rue, where there is another existing vehicle access point leading via a track to the proposed site. The new dwelling will have a fenced boundary with a field gate onto this track. However, as the garden to the rear of the development is to be left to “re-wild” and not provide a route through the site onto La Giffardière, THS would expect the access onto La Neuve Rue to be used no more frequently than it is at present.

In conclusion, although the application represents an intensification of use, THS does not consider this significant at this location for the reasons outlined above. While there are some road safety concerns relating to the inability to achieve the required oncoming sightline without reducing the height of a neighbouring hedge, these concerns are not considered significant given its location on a neighbourhood route and anticipated frequency of access use. On this basis, THS would not oppose the application.

Summary of Issues:

Floor space and volume of the proposed scheme relative to the approved;
Design and impacts on the character of the area;
Sustainable design approaches;
Impact on openness;
Amenity of the proposed units;
Provision of access, parking and cycle storage;
Accessibility and adaptability of the proposed accommodation.

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).**

Permission was previously granted under Policy OC1 (application ref FULL/2023/0091) for the subdivision of the existing dwelling at this site to form two dwellings. It was clear under that application that the foot clinic remained in operation, however Policy OC1 does not require that the existing use has ceased before a subdivision can be considered.

Policy OC1 permits, without any works being carried out to implement the initial permission, demolition of and construction of a replacement structure, provided that certain criteria are met. There is therefore a policy gateway to consider the proposed development, subject to meeting the specific criteria of Policy OC1 and the other relevant policies of the Plan. The criteria of Policy OC1 are addressed as follows:

i. the subdivision scheme has first been granted planning permission;

The subdivision has been granted under application ref FULL/2023/0091.

ii) the redevelopment scheme is of broadly the same floor space and volume as the approved subdivision scheme and the number of units approved in the subdivision scheme is not exceeded;

The proposal would retain 2 dwellings at the site, the main dwelling and replacement of that approved within the eastern garage/clinic wing to the west of the site. Following deferral, the proposed scheme remains for a 1no bed dwelling, as per the approved scheme.

As set out within the previous application the approved scheme had a floor area of c49.5m² and a volume of c160m³. As initially submitted, the floor space of the proposed new dwelling would have been c87m², a 75% increase,

and the volume c266m³, a 43% increase and could not be considered broadly similar for the purposes of this policy. The revised scheme now proposes 57.33m² of floor space and a volume of 186.52m³, within 20% of the approved floor space and volume, and would meet the requirements of policy.

iii) where the existing building makes a particular positive contribution to the character of an area the replacement building would make an equal or enhanced contribution to the character of that area;

The existing building comprises a hipped roof bungalow, which would be retained, and a garage extension, which would be replaced. Whilst the garage extension comprises an appropriate form of extension which respects the design of the main building, it is an ancillary structure located discretely between the main dwelling and that of the adjacent property, and does not make a particular positive contribution to the character of the area. Further consideration against this criterion would not therefore be required.

The proposal must however also meet the requirements of all other relevant policies of the Plan, and, in particular Policies GP1 (Landscape Character and Open Land) and GP8 (Design) require wider consideration of the visual, landscape and character impacts of the proposal. These will be addressed further below as part of the consideration of criterion v).

iv) it can be demonstrated that the new building can be constructed in such a way as to significantly enhance its sustainable design;

This criterion reflects the requirements of Policy GP9(a) (Sustainable Development).

Confirmation has been provided that the development will meet the requirements of the Building Regulations and the layout and position of fenestration has been designed to capitalise on sunlight and maximise penetration of natural light.

16no solar panels are proposed to the roof of the dwelling which takes into account the Authority's position with regards to mandatory solar panels, or alternative renewable energy technology as part of new housing development.

Permeable paving is proposed to all hard surfaced areas, and EV points are stated to be installed, although not shown on the proposed plans. Details and implementation of these elements can be secured by condition.

A Waste Management Plan has been submitted in support of the proposal, the implementation of which could be monitored by way of condition, which confirms that existing concrete on site will be reused for hardcore.

Overall, it is considered that the improvements in sustainable construction outlined within the application would be sufficient to meet the terms of this criterion, and implementation of those features can be managed by condition.

v) it can be demonstrated that the new building can be constructed in such a way as to not have any increased adverse impacts on the character and openness of an area;

The first issue to be considered in respect of this criterion is the change of use of the land from agricultural to domestic use, falling to be considered under Policies OC5(B) (Agriculture Outside of the Centres – outside of the Agriculture Priority Areas), GP15 (Creation and extension of curtilage) and GP1 (Landscape Character and Open Land).

Policy OC5(B) supports the change of use of agricultural land where the proposed new use accords with the other relevant policies of the Plan.

Policy GP15 supports proposals to create or extend curtilage where it would not have an unacceptable detrimental impact on the landscape character or an Area of Biodiversity Importance, is demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area, would not involve an unacceptable loss of established boundary features that contribute positively to the character of an area, and would not adversely affect the amenities of neighbouring residents.

Policy GP1 requires consideration of whether the proposal would result in any unnecessary loss of open and undeveloped land, which would have an unacceptable impact on the open landscape character of the area.

In this case, the property is not located within or adjacent to an Area of Biodiversity Importance or an Agriculture Priority Area, and the change of use would not require the removal of any boundary features.

The area of land in question does comprise open and undeveloped land, linked with the wider area of open land to the north.

The open land to the north does make a significant positive contribution to the character of the coast in this area, and the retention of a large proportion of agricultural land, through the amendments to the scheme, will help to limit the effect of the development on the character of the area and openness. Moreover, the land in question projects away from the primary area of open land near the coast and is located between residential properties forming part of the generally developed area, lining the north side of La Giffarderie.

When viewed spatially, the change of use would not project beyond the northern boundaries of that developed area and the change of use would be

of negligible impact in views from La Neuve Rue to the north due to the retention of the field to the west.

In views from the south, the land is largely screened from La Giffarderie by the roadside hedge, unless stood directly in front of the existing field. However, the land is read as a 'breathing space' within the spatial pattern of development. The revised drawings show the retention of a large proportion of the field which will help to mitigate the impact on openness when viewed from that road, adjacent to the field gate, and following the maturity of the replacement hedge.

The change of use for domestic purposes would be consistent with the residential use of the properties to the east and west and would not give rise to adverse impacts on neighbouring properties.

In addition to the requirements of these policies, there is an expectation under the Strategy for Nature to seek biodiversity enhancements when considering a change of use of land. The site is currently classified as Amenity Grassland under the 2018 Habitat Survey. The application proposes a mixed native hedge along the north and west boundaries of the site, as well as replacement privet hedge along the south boundary, and a new planter to be filled with a range of native species. A sedum roof is proposed to the cycle store. Replacement of the privet hedge along the roadside boundary would have a neutral impact. The proposed enhancements are considered proportionate to the size and nature of the area proposed for change of use and sufficient detail is provided as part of the proposed plans. Implementation of the landscaping proposed can be secured by planning condition.

In light of the above, the proposed change of use of the land would comply with the requirements of Policies OC1v), OC5(B), GP15 and GP1. Having accepted that the change of use of the land meets the terms of policy, the second issue is whether the physical development would have any adverse impacts on the character and openness of the area and, further, whether the development achieves a good standard of design which makes an efficient and effective use of land and provides soft and hard landscaping where this reinforces local character and mitigates the impacts of the development.

As set out above, the proposed development would be set within ribbon development located along La Giffarderie road. The siting of the new dwelling would be close to the host dwelling, whilst retaining a large proportion of the field, consequently, the proposal would be read against and amongst that development and would not have any significant impacts on character and openness.

In views from the coast, the proposed building would be read against and amongst adjoining development to the east and would not have any

significant impacts on character and openness, particularly as a large proportion of the field has been retained.

In views from the west, the new dwelling would be set behind the building line of the adjacent dwelling and would therefore be screened in longer views in that direction. In views from along the road from the east the dwelling would be viewed in context with the development lining the road in that direction. The dwelling would also be visible in views from Retot to the south.

The position of the dwelling on the site would respect that of surrounding development. Whilst the proposed scale and flat roof form differs from surrounding development, that development comprises a mix of building heights, forms and designs, and the introduction of the proposed dwelling would be acceptable within that context.

The creation of a new 4m wide access to serve the dwelling would not cause undue harm to the landscape character or appearance of the area.

The proposed scheme would achieve a good level of design, which would not have any adverse impacts on the character of the area given its low-profile roof form, in accordance with Policy GP8 (Design).

vi) it can be demonstrated that the new building can be constructed in such a way as to not have any increased impact on the amenities or reasonable enjoyment of occupiers of neighbouring properties and the surrounding area.

This criterion is reflected in Policies GP8(d) and GP9(b).

In light of the amendments secured, the new dwelling would be bounded by residential properties to the east (Bergen), and an agricultural field to the west, with additional residential properties located across the road to the south.

As initially submitted, the new dwelling was proposed to be two storey however, following deferral, the scheme was revised to a single storey design. Taking into account this change, together with the revised position, orientation and design of the proposed new dwelling relative to the surrounding residential properties, there would be no adverse impacts on the amenity of those properties. Whilst it is acknowledged that the surrounding properties do have windows facing towards the site, and the outlook from those windows would be changed, the primary orientation of surrounding properties is generally away from the site and the impact on outlook would not sufficiently diminish the amenities of those properties to warrant refusal of the application.

In addition, the proposed dwelling would provide good quality accommodation, exceeding the floor space requirements of the Technical Housing Standards – Nationally Described Space Standards, with good levels of daylight and amenity space and excellent outlook. The proposals therefore accord with Policy GP8(d), in respect of the occupiers of the proposed development.

It is also acknowledged that the dwelling is single storey and the proposed design is stated to adopt the design principles of Lifetime Homes, including wide doors and appropriate circulation within the dwelling. The proposed dwelling would therefore be accessible for all users with potential to adapt to suit any future changes in occupier needs, in accordance with Policy GP8 (f)&(g).

In respect of the amenities of the surrounding area, this has been addressed above.

Access, parking and cycle storage

In light of the revised scheme, the existing field access would be retained, and a new 4m access would be created to serve the new dwelling. Given that approval has already been granted for the subdivision of the existing house, the relocation of the new house would not give rise to an intensification of use in terms of traffic movements.

Whilst the original access point has been assessed by Traffic and Highway Services and did not raise any significant concerns with regards to highway safety or traffic management, due to the similar location and size of the revised access point, it is unlikely that significant traffic issues would arise from this amendment to the scheme. This decision has been reached when taking into account the position of the revised access point relative to surrounding roads, property entrances, and vehicle and pedestrian movements on the surrounding road network.

To ensure a safe access both during construction and once the new dwelling is occupied, it is recommended that the decision is conditioned to ensure that the formation of the new access point is made prior to the commencement of any works at the site, excluding demolition of the existing garage/clinic wing. This would avoid utilising the existing agricultural access and agricultural land for storage of materials, equipment and machinery, as part of the construction phase of the development. This would also prevent an intensification of traffic as a result of the demolition of the existing foot clinic (i.e. the approved dwelling-house, FULL/2023/0091).

The specified parking area would allow for onsite turning. Any such parking would however be limited by the size of the proposed dwelling and would not alter the assessment provided above in relation to road safety.

Bicycle storage is provided within an enclosed store on the parking area, implementation of which can be secured by planning condition.

The proposals would therefore accord with Policies IP6 (Transport Infrastructure and Support Facilities), IP7 (Private and communal car parking) and IP9 (Highway Safety, Accessibility and Capacity).

Conclusion

Overall, subject to the conditions outlined above, the amended proposals accord with the purpose of the Law, material considerations and relevant planning policies. Consequently approval is recommended.

Date: 03/08/2026