

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Erect single storey detached outbuilding to east of site (site of Protected Trees) (revised scheme).

LOCATION: 2 La Pointe, Les Mares Pellees, Vale.

APPLICANT: Mr H Moriarty & Miss A Terriss

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: 28/01/2026

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: JM Design Limited: 2311-01 PD/01 Rev C, PD/02 Rev C.

Application Ref: FULL/2025/1925

Property Ref: C00862A000

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.No development, including site works, shall begin on site until tree root protection fencing has been installed as shown on the approved plan. The tree root protection fencing 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 in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

5.No development shall begin on site until details of a landscaping scheme for the northern boundary, including the species, density and planting spacing, have been submitted to and agreed in writing by the Authority.

Reason - To make sure that a landscaping scheme for the development is agreed, in the interests of visual amenity.

6.The landscaping scheme shall be fully completed, in accordance with the details approved under Condition 5 above, by the end of the first planting season following the commencement of the development hereby approved. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and ensure

the landscaping scheme is achieved.

Expiry Date: This permission will cease to have effect on 27/01/2029 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2025/1925
Property Ref: C00862A000
Valid date: 08/12/2025
Location: 2 La Pointe Les Mares Pellees Vale Guernsey GY3 5PJ
Proposal: Erect single storey detached outbuilding to east of site (site of Protected Trees) (revised scheme).

Applicant: Mr H Moriarty & Miss A Terriss

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.

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fencing 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 in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

5. No development shall begin on site until details of a landscaping scheme for the northern boundary, including the species, density and planting spacing, have been submitted to and agreed in writing by the Authority.

Reason - To make sure that a landscaping scheme for the development is agreed, in the interests of visual amenity.

6. The landscaping scheme shall be fully completed, in accordance with the details approved under Condition 5 above, by the end of the first planting season following the commencement of the development hereby approved. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and ensure the landscaping scheme is achieved.

OFFICER'S REPORT

Site Description:

The property known as '2 La Pointe' is a modern two storey dwelling which sits in the middle of the site facing north. La Mares Pellees runs along the north boundary, along which is the vehicular access and a line of protected trees. La Route du Braye runs along the south boundary which also has a line of protected trees. To the west is another two-storey modern dwelling, constructed in tandem with that at the application site, and to the east are two protected buildings, one facing north and the other facing south. The property is located in the St Sampson Main Centre Outer Area as defined in the Island Development Plan.

Relevant History:

FULL/2025/0941 – Erect 1.5 storey detached outbuilding to east of site (site of TPO's)
– Refused July 2025 – due to the height, mass and design being out of scale and character with the surroundings contrary to Policy GP8 and GP13 of the IDP.

FULL/2022/0361 - Variation to previously approved plans to erect two dwellings with associated works - Erect extension at 1st floor level to west elevation of unit 2 –
Approved April 2022.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This is a revised scheme to erect a single storey detached outbuilding to east of site (site of TPO's).

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

GP5: Protected Buildings (Setting)

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There has been one letter of representation received and the issues are:

- There is a tree protection order on all of the remaining trees on the site, and it is unclear whether the proposed building will mean more trees are lost. The TPO must be enforced.
- The tribunal allowed planning permission for two houses. This application will push the number of buildings up to three, not what the tribunal allowed. The tribunal rejected the part of the application which included a stand-alone bike shelter on the grounds of visual impact and setting of the new buildings on the area.
- This new outbuilding will be bigger than the rejected bicycle shed and adversely affect the setting of the existing buildings and their surroundings.
- The tribunal insisted that the buildings be set back from Mares Pellees Lane, so as to fragment the visual form of the new buildings, to assist their assimilation into their surroundings.
- The proposed building will stand out and be close to the Mares Pellees Lane. Not what the tribunal ruled for this site.
- Another reason the tribunal allowed only two buildings on the site was not to too badly affect the setting of three protected buildings in Mares Pellees

Lane, which are Mares Pellees House, The Cottage and Delham. This stand alone building will adversely affect their setting.

- More than two buildings on site would adversely affect the character of Mares Pellees Lane. The metal container needs to be removed from the site.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact on protected trees.
- Impact of the development on neighbouring properties.

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.

Permission was previously refused for the erection of a 1.5 storey outbuilding, providing a garage at ground level with home studio/gym above. That structure was over 6.5m high and had a combined square meterage of just under 80sqm, with an external staircase that overlooked the two protected properties to the east. The structure was refused predominantly because its height, mass and design would have been out of scale and character with its surroundings and would have unacceptably detracted from the character and visual amenities of the immediate locality.

Initially the revised scheme proposed under this application comprised a reduced scheme at 46.8sqm and a height of approx. 5.4m, however concerns were retained regarding the visual impacts of the structure and the application was deferred because the structure had not been reduced in size enough.

The revised scheme now shows a much smaller, single storey outbuilding which is only 4.8m high at the ridge and has a total floorspace of 33sqm, which has more than halved the previously refused footprint and greatly reduced the scale and massing of the building.

The size and scale of the proposal is now considered to be acceptable and appropriate as an ancillary outbuilding for the main dwelling, it is smaller, more subservient, and less intrusive when it comes to visual amenity. The proposal is

considered to achieve a good standard of design, using materials which complement the existing materials of the main dwelling.

The existing unlawful containers significantly detract from the visual appearance of the site as they do not assimilate themselves into the surrounding area due to the material they are made of. The impact of the proposed structure would be reduced because the design and materials will assimilate with the main dwelling and therefore not impact on the character of the area. Removal of the containers cannot be sought through determination of this planning application, however could be pursued separately through the enforcement process.

The proposed development will fall outside of the root protection areas of the protected trees, and those trees will not be affected by the construction of the proposal, the proposal is to set up 1.8m high tree root protection fencing during the construction. This can be conditioned.

Each application is considered on its own merits. The outbuilding proposed under this application has not been before the Tribunal, and the decision they reached was in relation to a different development and cannot be used as part of this assessment. The application must be considered under the current context and relevant planning policies.

The revised application proposal is considered to be of a good standard of design, and will be made of materials which complement the main dwelling and consequently the two structures will be read together and not compete against each other like the dwelling and the containers do.

Finally, to ensure the proposal is appropriately mitigated, the decision will be conditioned to require planting of additional trees and hedges along the northern boundary to infill any areas where views into the site can be screened, thus further reducing any impacts on the area.

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

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application. Where relevant the issues are considered in section 2 above.

The letter of representation suggested that the tribunal 'rejected the part of the application which included a stand-alone bike shelter on the grounds of visual impact and setting of the new buildings on the area.' The tribunal actually omitted a condition which requested that each property had a shed, capable of storing two bicycles. The reasoning was that the tribunal took 'the view that if the provision of bicycle storage is to be a basic requirement of this or any other new residential development then this should be treated as an integral part of the design from the outset rather than as an afterthought.' The tribunal did not want the site to be

littered with small timber sheds, which were not considered to be of “*a particularly high standard of design*”. As discussed above, the proposed outbuilding forms a coherent part of the site design and would overcome these previous concerns.

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

The proposal would not result in material impact on the setting of the adjacent protected building, in accordance with Policy GP5 and the statutory duties of the Law, and, as discussed above, the protected trees will be adequately protected during the course of work.

The proposed would have no impact on Protected Monuments or on SSS's.

Date: 26/01/2026