

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: Change of use of agricultural land to mixed use comprising agricultural track and domestic driveway (412sqm), erect fencing and gate and install hardstanding and associated works (site of Protected Building).

LOCATION: Brooklands, Rue De La Porte, Castel.

APPLICANT: Mr & Mrs C Wharrie

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: 15/06/2026

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/01/2026 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Architects - 2559 03.03A, 03.21A, 03.20C.

Application Ref: FULL/2026/0102

Property Ref: D009670000

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. This permission allows a mixed use of the track comprising both agricultural and domestic purposes, to serve the agricultural fields and the dwelling-house (Brooklands). Consequently, the track is not regarded as falling within the recognised domestic curtilage of Brooklands.

Reason - To define the permission for the avoidance of doubt.

5. Notwithstanding the information submitted, within 2 months of the vehicular access being widened, the existing earthbank shall be made good to match as closely as possible the roadside boundary treatment, in accordance with the approved details.

Reason - To ensure the works are carried out in a reasonable timeframe in the interests of visual amenity.

6. The new native hedgerow to the north-west of the track, and the replacement common beech hedge on either side of the new opening to the driveway, shall be planted in accordance with the details shown on drawings refs: 03.20C and 03.21A, by the end of the first planting season following the first use of the land for domestic purposes, or the hoggin/gravel track being installed, whichever is the sooner. 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 ensure that the planting is carried out within an appropriate timeframe following the change of use of land. The landscaping secured will help to assimilate the development into its rural surroundings and to ensure that the biodiversity enhancements proposed accord the Strategy for Nature (Supplementary Planning

Guidance), 2020.

Expiry Date: This permission will cease to have effect on 14/06/2029 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/2026/0102
Property Ref: D009670000
Valid date: 29/01/2026
Location: Brooklands Rue De La Porte Castel Guernsey GY5 7AW
Proposal: Change of use of agricultural land to mixed use comprising agricultural track and domestic driveway (412sqm), erect fencing and gate and install hardstanding and associated works (site of Protected Building).
Applicant: Mr & Mrs C Wharrie

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. This permission allows a mixed use of the track comprising both agricultural and domestic purposes, to serve the agricultural fields and the dwelling-house

(Brooklands). Consequently, the track is not regarded as falling within the recognised domestic curtilage of Brooklands.

Reason - To define the permission for the avoidance of doubt.

5. Notwithstanding the information submitted, within 2 months of the vehicular access being widened, the existing earthbank shall be made good to match as closely as possible the roadside boundary treatment, in accordance with the approved details.

Reason - To ensure the works are carried out in a reasonable timeframe in the interests of visual amenity.

6. The new native hedgerow to the north-west of the track, and the replacement common beech hedge on either side of the new opening to the driveway, shall be planted in accordance with the details shown on drawings refs: 03.20C and 03.21A, by the end of the first planting season following the first use of the land for domestic purposes, or the hoggin/gravel track being installed, whichever is the sooner. 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 ensure that the planting is carried out within an appropriate timeframe following the change of use of land. The landscaping secured will help to assimilate the development into its rural surroundings and to ensure that the biodiversity enhancements proposed accord the Strategy for Nature (Supplementary Planning Guidance), 2020.

OFFICER'S REPORT

Site Description:

The application site, known as Brooklands, consists of a detached 3.5 storey protected building set in extensive grounds. The application site is located Outside of the Centres and is within a Conservation Area and Agriculture Priority Area as designated in the Island Development Plan.

The dwelling-house, together with the 'Poulaillier' (Pumpkin Cottage) and boundary walls and gate are all protected. The granite outbuilding, open barns and other outbuildings are not included in the listing.

The property is set back from Rue De La Porte and is served by a number of outbuildings, all located within the recognised domestic curtilage. The domestic curtilage was defined in 2022, and included the host dwelling, granite outbuilding, open barns and other outbuildings. The primary access of the site, located within the domestic curtilage, is to the east of the house, off Rue De La Porte.

A change of use of land to domestic curtilage was granted in 2025 (FULL/2024/1483), which included an area of land to the north of the dwelling which featured a large glasshouse, located parallel to the north-east boundary.

The two large agricultural fields beyond the approved extension of curtilage (FULL/2024/1483), located to the north, north-west of the site, are served by an agricultural track off Rue Des Belles. The fields and track lie outside of the domestic curtilage and form the subject of this application.

Relevant History:

Reference No	Description	Decision	Date
FULL/2026/0104	Install replacement windows, rooflights and door (Protected Building).	Granted	2026
FULL/2024/1483	Change of use of agricultural land to domestic garden (928sqm), part demolish existing and erect replacement vine house to south elevation, replacement roof to north elevation, install rooflight, internal and fenestration alterations to main dwelling. Extend and alter detached outbuilding to west of property, install cladding and fenestration alteration to outbuilding to west boundary and install cladding to Dutch barn. Re-roof outbuilding 'pumpkin cottage', re-point roadside wall and barn and replacement fenestration to east boundary, landscaping alterations. Erect fencing, gates, hardstanding and alter vehicle access to agricultural land to north-east of site (Protected Building).	Granted	2025
CURT/2022/1242	Definition of Curtilage		2022

Existing Use(s):

Dwelling-house – residential

Fields and track to the rear (north and west) of dwelling – agricultural.

Brief Description of Development:

As part of planning permission FULL/2024/1483, the application was deferred due to concerns, including the change of use of land and the alterations to the agricultural track and access. It was considered that the proposed alterations would indirectly, formalise and intensify the use of the track for domestic purposes and would suburbanise the countryside without any justifiable need when the property is

served by an existing vehicular access, located within the recognised domestic curtilage.

Alterations to the track and vehicular access point were approved as part of application ref: FULL/2024/1483 which included widening of the vehicular access point, installation of cobblestones and self-binding hoggin (near the entrance to the field), erecting a new 1.2m high post and rail timber fence to be positioned on the outside (west) of the existing tarmac track, erecting new gates, and minor repair works to the existing tarmac track.

As originally submitted, the current application sought planning permission to change the use of a section of agricultural land to domestic garden (412sqm), erect metal fencing and a gate and install hardstanding. The change of use of land focused on the agricultural track located to the north-east of the dwelling-house, accessed from Rue Des Belles. The existing vehicular access off Rue De La Porte would not be closed off as it serves other properties. The proposal included a consolidated hoggin/gravel finish to the existing access track and new metal 'Estate' style gates and fencing. The application was accompanied by a statement from the Guernsey Farmers' Association in support of the application.

The application was deferred as concerns were raised about the change of use of agricultural land to domestic curtilage given that the land in question is sited within an Agriculture Priority Area. A site visit was arranged to discuss these concerns where it was agreed that the track would remain for agricultural purposes whilst serving as a driveway for the property i.e. a dual/mixed use, in attempt to overcome the concerns raised. The agent has also included a native hedgerow to be positioned on the inside of the proposed metal fence (as shown on drawing ref: 03.20 C) in attempt to 'soften' the appearance of the development when viewed from Rue Des Belles to improve its design and relationship to the surrounding area.

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

OC5(A) Agriculture Outside of the Centres – within the Agriculture Priority Areas

GP1 Landscape Character and Open Land

GP4 Conservation Areas

GP5 Protected Buildings

GP8 Design

GP9 Sustainable Development

GP15 Creation and Extension of Curtilage

IP9 Highway Safety, Accessibility and Capacity

Strategy for Nature - Supplementary Planning Guidance (2020).

Representations:

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

- Change of use of agricultural land to domestic curtilage.

Consultations:

Traffic and Highway Services comments:

“Brooklands existing access is onto Rue de la Porte, a local circulation route with a posted speed limit of 25mph and is bounded by high granite walls on either side which provides extremely poor sightlines. This proposal to change the use of the agricultural track at the northern boundary into domestic use would lead to an exiting access onto Rue des Belles, a neighbourhood road with a very low number of traffic movements. Although this access does not meet the technical standards, it does represent a much lower risk compared to that at Rue de la Porte.

THS notes that the access as Rue de la Porte also serves a further 4 properties within the site and understands that this access is not to be closed as part of this application. However, any reduction in traffic movements at this access would be seen as an improvement for road safety and would therefore be supported by THS.”

Summary of Issues:

- Whether the development would adversely affect the special interest of the protected building, or its setting.
- Whether the proposed development would adversely affect the character and appearance of the Conservation Area.
- Whether the proposed change of use of agricultural land to domestic curtilage would have a detrimental effect on the landscape character or openness.
- The impact of the development on neighbour amenity.
- Whether the proposal would impact on highway safety or traffic management.

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.

Policy OC5 (A) (Agriculture Outside of the Centres – within the Agriculture Priority Areas) states that:

“Proposals for development which would result in the loss of an existing farmstead or agricultural holding in the Agriculture Priority Area will only be supported where it is demonstrated that the farmstead or land is no longer

required for agricultural purposes and any proposed new use accords with the other relevant policies of the Island Development Plan”.

The preceding text of Policy OC5 (A), Paragraph 17.3.9, states that:

“Whilst the policy approach is to generally support development for agricultural purposes in the Agriculture Priority Areas, these areas have been broadly drawn and include areas of land and sites which are not currently used for agricultural purposes and could not be expected to contribute positively to commercial agriculture in the future, for example dwellings and their curtilages. 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 due, for example, to the loss of hedge banks or landscape features. 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”.

Policies GP15 (Creation and Extension of Curtilage) and GP1 (Landscape Character and Open Land) are also relevant in assessing this application and are set out below. The effect the development is likely to have on the Agriculture Priority Area is considered in criterion ‘c’ of Policy GP15.

Policy GP15:

A proposal to create or extend curtilage will be supported where:

- a. it would not have an unacceptable detrimental impact on the landscape character;*

Paragraph 19.16.3 of Policy GP15 refers to the intentions of the Strategic Land Use Plan, where it is considered that whilst the domestication of the landscape generally runs counter to the desire to preserve the local character of our landscapes, *“minor shifts in the management style of small parcels of land not forming part of larger areas of open land and not visually prominent will not fundamentally alter the character of the Island.”*

Paragraph 19.16.7 acknowledges that:

“competition for land can occur when a residential use adjoins an open area of land and the householder would like to incorporate some of that open land within the domestic curtilage of the residential property” and that “in these instances there will be a balance to be struck between ensuring the reasonable protection of open land and the requirements of the agricultural industry and the reasonable expectations of landowners to add new or additional land to the curtilage around a building. An assessment of proposals

will take into account the impact on the wider areas of open landscape and Agriculture Priority Area.”

With regard to the impact on the landscape character and openness of the area, Policy GP1 also requires consideration as to whether the proposal would result in the unnecessary loss of open and undeveloped land, which would have an unacceptable impact on the open landscape character of the area; whether the proposal respects the landscape character type within which it is set; and whether the proposal would result in the unacceptable loss of distinctive features that contribute to the wider landscape character and local distinctiveness of the area.

In this case, the land the subject of this application is located within the Western Bays Coastal Landscape as identified in Annex V of the Island Development Plan. The character of the area is most akin to the West Coast Mares subzone.

Annex V describes the characteristics of the Upland Plateau as:

“The West Coast Mares were originally lagoons in the low flat land between the Bays and the Escarpment at the mouths of the Valleys. Since the construction of sea defences, they have progressively been reclaimed as grazing land or, particularly in the late twentieth century, as sites for new development. This development impacts on their character as expanses of flat, open land at the foot of the escarpment. Despite agricultural change and development pressure, flower-rich wet meadows still remain at La Rue des Vicheries, La Claire Mare, La Grande Mare and in a small number of other areas”.

The agricultural land in question is considered to form part of a wider area of open land, by visually and physically connecting swathes of agricultural land to the north, north-east, and south-west of Rue Des Belles. Consequently, the area of land in question (south-west) of Rue Des Belles is highly visible in public views.

The installation of a hoggin/gravel driveway, approximately 2.5m wide x 90m length, coupled with its contrasting domesticated appearance within the field could introduce a discordant element into this relatively undeveloped and open rural environment and therefore have an adverse effect on the rural landscape character and amenity of the surrounding area. However, the amendments secured which include planting a native hedgerow along the entire length of the track will help to mitigate this impact, and thus the degree of harm would not be so substantial to refuse planning permission. Moreover, the existing track is located on the perimeter of the field and is set against the backdrop of a large granite wall which also helps to restrict the area of development and limit the visual impact on the landscape. Given that the area of land is not within the domestic curtilage, it is not considered necessary nor reasonable to attach a condition to remove the exemption rights afforded to the householder as these would not apply to this area of land which falls outside of the scope of Class 1 of the Land Planning and Development (Exemptions) Ordinance, 2023.

A condition should be applied to the decision to ensure that the native landscaping scheme is planted within an appropriate timeframe to limit the effect of the development and to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

The proposal therefore complies with Policies GP15(a) and GP1.

b. *it would not have an unacceptable impact on the biodiversity interest of an Area of Biodiversity Importance or, where negative impacts are unavoidable, they can be acceptably mitigated in accordance with a scheme to be agreed with the Authority;*

The application site is not located in an Area of Biodiversity Importance therefore it is concluded b) of Policy GP15 is not relevant in this case.

c. *it is demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts;*

The agent has provided justification for the change of use in the letter, dated 29th December 2025, and is summarised below:

- The use of the access in relation to the APA is sustained with no loss of usable agricultural fields.
- The use of the land (whilst APA) is that of an existing access with tarmac strips and utilised to both the benefit of the dwelling and the two fields.
- The size of the usable fields is not diminished in any way at 4 verges 36 perches and 3 verges 38 perches respectively and with the same, and sustained, agricultural accesses.
- Those workable field areas are retained and with no loss to agriculture.
- That position is supported by the expert agricultural correspondence forming part of this planning application.
- The land in question is an access already and that functional land use remains as one from legacy. This is why the application description suggests a change of use and regulation of use of existing agricultural land/access to domestic curtilage for domestic and agricultural access only for the same single house and its two fields.

In addition, the application has been supported by a letter from the Guernsey Farmers' Association (GFA), dated 28th August 2025, and is summarised below:

- If the track has been used to the benefit of Brooklands and the field accesses are not impeded, then there is no loss to agriculture.
- The track has been engineered over the years, compacted and contains hardstanding strips for both domestic and agricultural vehicle access.

- The retention of two fields in excess of 8 verges is the critical agricultural element that the GFA seeks to retain.
- If the access track falls within the domestic curtilage and/or any multiple use definition, then the loss to agricultural uses is negligible and no loss to the day-to-day uses and access of the two fields.
- The proposed gate or fencing or planting would not prevent access and would in all probability enhance the area.
- These types of accesses are not uncommon in Guernsey where former farmsteads have a quasi-domestic and farm related use and access.
- The loss to agriculture is neutral/negligible given the historic nature of this track and its longstanding uses for Brooklands and its fields.
- As long as that status quo remains as it always has done, then there is no direct loss to agriculture and the visual changes suggested do not change that position.

When taking into account that Brooklands was once a working farmhouse, it is likely that the informal track, located on agricultural land, would have been used infrequently and occasionally to serve both the agricultural fields and the working farmhouse. This is also likely to be a similar arrangement to other farmsteads across the Island where both agricultural and domestic vehicles drive over a small proportion of agricultural land to access a (working or former), farmhouse, and the surrounding fields.

Whilst not conclusive, the existing metal gate located adjacent to Rue des Belles appears to be visible on the 1990 aerial photograph and possibly may have been in situ before this time period based on the tyre marks on agricultural land. Whilst it doesn't appear that consent was granted for the field access being formed (which may pre-date Planning Law), or the installation of the gate or tarmac track; it is nonetheless forms part of the historical legacy of the site.

In light of the amendments secured, the proposal now seeks to use the track for a mix of uses, i.e. retaining the track for agricultural purposes, as well as accessing the dwelling-house for residential purposes. In this case, the proposal would not result in the primary use of the land, i.e. agriculture, being lost through the change of use of land. The track will therefore still be used for commercial agricultural purposes and would not result in the fields from becoming landlocked. It is also recognised that the agent has unequivocally stated that notwithstanding the change of use of land to domestic curtilage, access to the fields would still remain.

It is important to note that the existing track is located on the perimeter of the field and does not intersect or separate a field into two elements as this could adversely affect a site's contribution to the agricultural industry if this were to be the case. In this scenario, the track is purposely located on an area of land that does not or could not reasonably be used for growing or arable purposes, as it is integral to providing access to multiple fields within the APA. Given that the siting of the track does not undermine the site's ability from contributing to the APA, it is considered reasonable

to allow this proposal to use the access to serve both the agricultural land and the dwelling-house.

Overall, the use of the fields for agricultural purposes is maintained by virtue of approving the proposal as serving a mixture of uses including both agriculture and domestic purposes. Despite the notation on the drawings which refers to the 'extent of proposed domestic curtilage extension', it is important to attach a condition to clearly highlight the mixed use of the track to avoid any ambiguity with the proposal and to ensure that the APA is not undermined. The proposal therefore complies with Policies GP15(c) and OC5(A).

d. it is demonstrated that it would not involve an unacceptable loss of established boundary features that contribute positively to the character of an area, unless the new or replacement boundary treatment makes an equal or enhanced positive contribution to the character of the area.

The proposal would involve the removal of a Leylandii hedge which forms part of the west boundary of the recently approved domestic curtilage extension (FULL/2024/1483). The existing hedge will be replaced with a Common Beech hedge, and incorporates a 4m wide central opening, leading onto the proposed gravel driveway. Given that the existing Leylandii hedge is situated within the approved domestic curtilage, has limited biodiversity benefits, and that the replacement boundary treatment is likely to make an equal or greater contribution to the character of the area once mature, the creation of a 4m wide opening in the hedge is unlikely to result in an unacceptable loss of an established boundary feature and would not cause unacceptable harm to the character or appearance of the Conservation Area.

For the avoidance of doubt, the agricultural track is located outside of the Conservation Area.

The widening of the existing vehicular access along Rue Des Belle has been established as part of application ref: FULL/2024/1483.

Consequently, Policy GP15 d) of Policy GP15 has been satisfied in this case.

e. it would not adversely affect the reasonable amenities of neighbouring residents.

Despite bordering onto two other properties, the dual use of the track for both agricultural and domestic purposes is unlikely to cause significant harm to the amenities of neighbouring residents with regard to disturbance when taking into account the existing boundary treatments, and in light of existing agricultural traffic using the track. As noted above, it is understood that existing track is used informally and infrequently by the applicants. Consequently, the additional vehicular movements are not considered likely to cause unacceptable harm when taking into account the existing context.

The proposal complies with Policy GP15 e).

Sustainable development:

Due to the nature and type of development, it is not considered necessary for the applicant to demonstrate that the proposal has been designed to take into account the criteria of Policy GP9 (Sustainable Development).

Highway Safety:

The application has also been assessed against Policy IP9 (Highway Safety, Accessibility and Capacity). It is noted within the preceding text (paragraph 20.10.4) that the Authority will balance any impact on the character of the locality concerned in terms of retaining roadside features whilst, affording a significant degree of flexibility especially in less sensitivity areas so that reasonable development aspirations can be met.

Rue de la Porte is recognised as a Local Circulation Route. The agent has demonstrated as part of the application that the existing vehicular access leading onto Rue de la Porte experiences substandard sightlines towards both oncoming and approaching traffic and therefore poses a danger to highway safety.

Rue Des Belles is recognised as a Neighbourhood Road. Despite restricted sightlines towards traffic approaching the site from the east, the proposed access point from Rue Des Belles results in an improvement to highway safety. Traffic and Highway Services support this conclusion.

Whilst it would normally be recommended to block up an existing access point where a replacement is sought in the interests of visual amenity and highway safety, it would not be reasonable in this case given that other properties which are served by the access point off Rue de la Porte still require access to their respective properties.

Conclusion:

The application is considered compliant with the relevant Island Development Plan policies and accords with the purposes of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

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; the effect of the proposed which the site could be put without further planning permission; 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 proposed change of use and alterations would not have a detrimental effect on the overall special interest of the setting of Brooklands and therefore complies with Policy GP5.

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

Date: 12/06/2026