

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 outbuilding/ancillary living unit and associated works to west of site (revised scheme).

LOCATION: Haven Tree (formerly Highland View), Les Vardes, St. Peter Port.

APPLICANT: Mr & Mrs R Herpe

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: 27/03/2026

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/01/2026 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTECH Freelance Architecture - RH/24/1198/02C.

Application Ref: FULL/2026/0109

Property Ref: A408160000

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.Notwithstanding the hereby approved drawing, the north boundary fence must be a height of 2.1m above the ground level immediately to the south of each panel (rising in height along the steps and adjacent to the raised plinth) along the whole boundary north of the building hereby approved. The fence should remain in perpetuity.

Reason: To minimise the effect of the development on the privacy and amenities of nearby residents.

5.For the avoidance of doubt, this decision permits the erection of an Associated Living Unit to be used as an integral part of and incidental to the principal dwelling presently known as Haven Tree.

Reason - To ensure the Associated Living Unit remains ancillary to the main dwelling and is not divided off at any time.

Expiry Date: This permission will cease to have effect on 26/03/2029 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/2026/0109
Property Ref: A408160000
Valid date: 19/01/2026
Location: Haven Tree (formerly Highland View) Les Vardes St. Peter Port
Guernsey GY1 1BG
Proposal: Erect single storey outbuilding/ancillary living unit and
associated works to west of site (revised scheme).

Applicant: Mr & Mrs R Herpe

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

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OFFICER'S REPORT

Site Description:

The property known as 'Haven Tree' is an early 20th century dwelling, which is located in the Important Open Land which lies northeast of Colborne Road. The property faces south, but the vehicular entrance comes from the east off Ruelle Godfrey, a track to the west of Les Vardes. The parking area used to store La Petit Train is to the west (at a lower level) and Colborne Road roadside housing is to the southeast (at a lower level) there are two detached neighbouring properties to the north and northeast at a higher level. The property is located in the St Peter Port Main Centre Outer Area and Conservation Area and is also within an Important Open Land area as defined in the Island Development Plan. The outbuilding that is the subject of this application does not fall within the Conservation Area.

Relevant History:

FULL/2025/0578 - Partially demolish, raise and alter roof ridge height, erect porch to south (side) elevation and alterations to fenestration to outbuilding to create ancillary living accommodation – Approved June 2025.

FULL/2024/1527 - Demolish extensions, erect single storey extensions to south (side) and east (front) elevation, alterations to fenestration. Extend and alter to create accommodation at 1st floor level including terrace to west (rear) elevation – Approved November 2024.

PREA/2024/1614 – Convert garage into dower unit – Closed October 2024.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is a revised scheme to erect a single storey pitched roof outbuilding/ancillary living unit (ALU) and associated works to the east of the site, which is over 58m from the main dwelling.

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

MC1: Important Open Land in Main Centres and Main Centre Outer Areas

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There have been two letters of representation received and the issues are:
Opposed.

- *"The revised application represents a significant change. A larger more substantial building that is higher than the original proposal and now encompasses a patio with steps leading to an elevated area that will overlook the rear of the nearest neighbour's house and garden.*
- *There are windows in the proposed higher north facing gable which overlook rear of the nearest neighbour's property and garden.*
- *This proposed increase in building size and height significantly changes the dynamics in terms of overlooking neighbouring properties. The higher north gable, in conjunction with the proposed elevated patio area also enables overlooking to the upstairs bedroom and bathroom windows to the rear of the neighbouring property to the northeast property. This change therefore reduces current privacy and has a detrimental effect on the reasonable enjoyment of neighbouring properties. This was not the case in the original plan.*
- *The inclusion of the patio and new large windows to the rear and north side of the revised proposal will negatively impact the nature environment due to increased noise disturbance and movement, particularly when the Patio and elevated area are in use.*
- *The new proposals also have a greater negative impact on the natural beauty and landscape quality of the locality compared to the original plan that is already approved.*
- *Next door neighbours requested three conditions regarding site levels, boundary treatments and use of materials.*

Consultations:

None.

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- 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.

The site is located within Important Open Land within the St Peter Port Main Centre Outer Area, where policy MC1 states that development will only be supported if it relates to the rebuilding, extension or alteration of existing buildings or structures and that any development would not have an adverse impact on the open character of the Important Open Land (IOL). The pre-facing text expands upon this position, noting that works to existing development, including ancillary development associated with established uses, and householder development within residential curtilages will be considered flexibly, provided there are not significant adverse impacts on openness, visual quality or landscape character.

There was previously a garage building in the location now proposed for an ancillary living unit and permission was previously granted for conversion of that structure for a similar purpose. However, as work was begun to implement the previously approved scheme, the existing structure was found to have no foundations and so it was removed entirely.

The previous building (66.5sqm) was mono-pitched and tiered into the site topography, the new outbuilding will remain within the same footprint and is actually slightly smaller in square meterage (58.5sqm), but will have a more traditional pitched roof allowing for a partially vaulted ceiling internally to give the feeling of space without enlarging the structure.

The new structure will however retain a relatively low profile, with the central ridge only 200mm higher than the previous monopitch and set below the surrounding development to the north and north-east, and will not have a significant impact on openness, visual quality or landscape character within the IOL.

This new scheme is a two bedroom detached ALU, which is not physically well-related to the main dwelling. As initially proposed, no fenestration was proposed within the facing (west) elevation, bar a “secret” door, and the unit entirely turned its back on the remainder of the site. This would be the second ALU within the site, the other is attached to the main dwelling and is clearly ancillary to the main dwelling, a fact less evident in respect of that now proposed. However, the applicant has said that his mother or mother-in-law shall be living in the unit and the ALU and the main dwelling will share the vehicular access, the garden and all utility bills. It has previously been accepted that the former garage in this location could be used as an ALU (a use which would not, in itself, have required planning permission), and it would therefore be unreasonable to resist a second ALU in this location under this application. Following deferral, windows have been included within the facing (west) elevation of the building and this improves the relationship with the main dwelling to an extent where it would be unreasonable to object to the proposal. The use should however be conditioned to be ancillary to the main dwelling.

Land falls away to the southwest and rises to the northeast. The proposed development will be built against higher land to the north and east, which means any possible overlooking is negated by the land levels and none of the proposed windows will overlook any of the nearby neighbours, provided appropriate boundary treatment remains in place.

Along the north boundary there is a 3m high fence (belonging to the neighbouring property), however some of this fence has been removed. Following deferral, to protect the neighbouring property from any possible overlooking a 2.1m high fence will be installed on the boundary which will screen the majority of the gable of the ALU, the fence will rise in height so there is also a 2.1m high fence along the north boundary where the existing plinth is around the rear of the ALU. Installation of this fencing can be secured through planning condition.

The proposals are considered to achieve a good standard of design, using appropriate materials. The proposals will provide adequate levels of sunshine and daylight, and give the occupiers flexible and adaptable accommodation.

The scale and massing of the new building is not considered to have a detrimental effect on the character and amenity of the surrounding area, nor will it have any impact on any of the immediate neighbours.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

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.

There is sufficient information within the submission to assess the proposals and further clarification of existing and proposed ground levels are not required in this instance. Nor is further control required over the external finish of the building, beyond what has been provided on the submitted plans. As set out above, confirmation of the erection of fencing along the north boundary has been provided following deferral and implementation can be secured through planning condition.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 24/03/2026