

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 dwelling and outbuildings, erect replacement dwelling, garage and associated works (Revised Scheme).

LOCATION: Moulin Huet De Haut, La Rue Gros Jehan, La Rue Des Clotures, St. Martin.

APPLICANT: Moulin Huet Properties Ltd

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: 04/06/2026

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/03/2026 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Dualchas: 994 / 010, 100, 101, 102, 200, 205, 207
Harris Bugg Studio:23-259-200 Rev E

Application Ref: FULL/2026/0482

Property Ref: J013300000

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

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

2.The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4.a) Notwithstanding the landscaping plan submitted, prior to the commencement of any work in connection therewith a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas and ensuring that a clear and unobstructed route is provided between the site access and retained agricultural land shown outlined in blue on the approved plans;
- ii) full details of tree and hedge planting (having regard to the retained right of way to the agricultural land to the southeast of the site);
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels; and
- v) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

b) The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously 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.

Reason - In order to help assimilate the development into its surroundings and to avoid prejudicing access to the retained agricultural land within the Agriculture Priority Area.

5.Prior to the commencement of work on the dwellinghouse hereby approved the fence and gate shown on the approved plans, separating the recognised domestic garden/curtilage from the retained agricultural land, shall be erected and shall thereafter be retained at all times.

Reason - To provide clear definition of the domestic garden area of the property currently known as Moulin Huet De Haut and to prevent the overspill of domestic activity and construction activity into the retained agricultural land which sits within and can be useful to the commercial function of the Agriculture Priority Area.

6.The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

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

7.The development hereby permitted shall be constructed in accordance with the details set out in the Dualchas document and as shown on the approved plans including permeable hardstanding, EV charging points and solar panels as shown. There shall be no occupation of the approved dwelling until the solar panels and electric vehicle/cycle charging points to serve it has been installed and made operational.

Reason - In the interests of sustainable development.

8.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance) no ground mounted solar panels, porch, extension, pergola/garden structure, shed, glasshouse, garage/carport or other outbuilding, hardsurfacing, gates, fences or walls, domestic fuel containers, swimming pool, flag pole, air source heat pumps/air conditioning units, change in levels, bike barn/shed, external steps, earthbanks, ramps and polytunnels shall be erected, constructed or placed within the part of the site that is forward of the westernmost elevation of the dwellinghouse hereby approved.

Reason - In order to protect the right of access between the site entrance and retained agricultural land from domestic development which could prejudice the use and future of the agricultural land which is recognised as being capable of contributing towards the commercial function of the Agriculture Priority Area.

Expiry Date: This permission will cease to have effect on 03/06/2029 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats may be roosting/nesting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

You are encouraged to use species which are native to Guernsey within the proposed landscaping as required by condition 4.

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/2026/0482
Property Ref: J013300000
Valid date: 16/03/2026
Location: Moulin Huet De Haut La Rue Gros Jehan La Rue Des Clotures
St. Martin Guernsey GY4 6EW
Proposal: Demolish existing dwelling and outbuildings, erect
replacement dwelling, garage and associated works (Revised
Scheme).
Applicant: Moulin Huet Properties Ltd

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. a) Notwithstanding the landscaping plan submitted, prior to the commencement

of any work in connection therewith a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas and ensuring that a clear and unobstructed route is provided between the site access and retained agricultural land shown outlined in blue on the approved plans;
- ii) full details of tree and hedge planting (having regard to the retained right of way to the agricultural land to the southeast of the site);
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels; and
- v) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

b) The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously 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.

Reason - In order to help assimilate the development into its surroundings and to avoid prejudicing access to the retained agricultural land within the Agriculture Priority Area.

5. Prior to the commencement of work on the dwellinghouse hereby approved the fence and gate shown on the approved plans, separating the recognised domestic garden/curtilage from the retained agricultural land, shall be erected and shall thereafter be retained at all times.

Reason - To provide clear definition of the domestic garden area of the property currently known as Moulin Huet De Haut and to prevent the overspill of domestic activity and construction activity into the retained agricultural land which sits within and can be useful to the commercial function of the Agriculture Priority Area.

6. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

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

7. The development hereby permitted shall be constructed in accordance with the details set out in the Dualchas document and as shown on the approved plans including permeable hardstanding, EV charging points and solar panels as shown. There shall be no occupation of the approved dwelling until the solar panels and electric vehicle/cycle charging points to serve it has been installed and made operational.

Reason - In the interests of sustainable development.

8. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance) no ground mounted solar panels, porch, extension, pergola/garden structure, shed, glasshouse, garage/carport or other outbuilding, hardsurfacing, gates, fences or walls, domestic fuel containers, swimming pool, flag pole, air source heat pumps/air conditioning units, change in levels, bike barn/shed, external steps, earthbanks, ramps and polytunnels shall be erected, constructed or placed within the part of the site that is forward of the westernmost elevation of the dwellinghouse hereby approved.

Reason - In order to protect the right of access between the site entrance and retained agricultural land from domestic development which could prejudice the use and future of the agricultural land which is recognised as being capable of contributing towards the commercial function of the Agriculture Priority Area.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats may be roosting/nesting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

You are encouraged to use species which are native to Guernsey within the proposed landscaping as required by condition 4.

OFFICER'S REPORT

Site Description:

The application site is situated to the southeast of La Rue Gros Jean close to the junction with La Rue Des Clotures. Vehicular access is shared with the neighbouring residential property, currently known as Driftwood Cottage. Moulin Huet De Haut is set back in its plot with mature gardens separating the dwelling from its neighbour. The bungalow has a gable facing northeast and hipped roof to the southeast and is constructed tight to the eastern boundary. Vehicular access serving the dwelling and associated agricultural land runs along the west boundary.

The definition of curtilage/garden of the dwelling was confirmed by the Authority in 2019. It relates to the land to the northwest of the dwelling, the dwelling and land to its west along with an area of garden to the southeast extending as far as the detached outbuilding/shed. Land beyond this is currently recognised as open and undeveloped agricultural land.

The dwelling is relatively isolated with very little in the way of other residential development close by. Land to the north of La Rue Gros Jean along with land immediately surrounding Moulin Huet De Haut is all open and undeveloped agricultural land (west, south and east).

The site is located Outside of the Centres and within the Agriculture Priority Area (APA) as designated in the Island Development Plan. The site lies within the Cliffs (Cliff Tops) Landscape Character area as set out in Annex V of the Island Development Plan.

Relevant History:

CLU/2023/1514 - Regularise use of agricultural land (Use Class 28) to domestic garden (Residential Use Class 1) (1,000sqm) – refused.

FULL/2024/0666 - Change of use of agricultural land to domestic garden (1,260 sqm), demolish dwelling and outbuilding and erect replacement dwelling, garage and associated works – refused on the grounds that the change of use of land proposed, within the APA would result in the unacceptable loss of agricultural land which would prejudice the wider APA contrary to GP15 c) and OC5(A).

FULL/2025/0116 - Change of use of agricultural land to domestic garden (305sqm), demolish dwelling and outbuilding and erect replacement dwelling, garage and associated works (Revised Scheme) – refused on the grounds that the change of use of land proposed, within the APA, would result in the acceptable loss of agricultural land which would prejudice the wider APA contrary to GP15c) and OC5(A).

FULL/2025/1328 - Demolish existing dwelling and outbuildings, erect replacement dwelling, garage and associated works (Revised Scheme) – refused on the grounds

that the development, including lap pool, would prevent access to the agricultural land to the rear/southeast of the site which is within the APA. Without alternative access arrangements to the agricultural land would prejudice access to/use of the land which would otherwise contribute positively to the commercial agricultural use of the APA contrary to Policy OC5(A) and GP8 of the IDP.

Existing Use(s):

01 dwellinghouse
28 agriculture

Brief Description of Development:

The application relates to the demolition of the existing bungalow and associated outbuildings and the erection of a detached, largely single-storey dwelling on the site. An area of existing garden to the northeast of the site would be utilised for parking/turning with a bin store. A courtyard would be provided between the detached garage and main entrance for the property with two further courtyard gardens proposed between other elements of the building (west and south courtyards). The submission refers to the use of a restricted palette of materials including timber cladding (for walls and roofs) and a stone/concrete plinth at ground floor level

On the ground floor the development would comprise a detached double garage and store, an open plan kitchen/dining room, separate TV room, a living room, two ensuite bedrooms, separate WC, pantry, utility and plant room whilst the master suite and study area would be accommodated at first floor level.

The application has been accompanied by a Design Statement including matters relating to sustainable development (pg. 15) plus separate Landscape Proposals incorporating information regarding biodiversity. The application also incorporates a Site Waste Management Plan. A covering letter that accompanies the submission sets out that the APA land will be retained in full, the replacement dwelling being wholly within the existing domestic garden area and with the current access to the APA agricultural land being retained by omitting the previously proposed swimming pool.

The landscaping details provided confirm that the boundary hedge, formed of leylandii, to the northern site boundary (part) will be removed and replaced with a species rich hedgerow. Trees are also proposed within the existing southern site boundary and within the proposed curtilage area native and naturalistic ornamental planting is proposed.

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

GP8: Design
GP9: Sustainable Development
GP13: Householder Development
IP6: Transport infrastructure and support facilities
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Representations:

One letter of representation has been submitted commenting on the application and raising the following points:

- The title deeds of Driftwood Cottage define access over a strip of land measuring 2.438m in width boarding the west boundary
- The land providing the access belongs to the applicant and is defined in their title deeds as 2.438m
- The drawings depict the with the main gateway to Moulin Huet De Haut as 3.4m – the same with appears to extend north from their gateway along the access route
- Given that the south boundary of Driftwood Cottage extends from the field to the east, to the proposed gateway and the west boundary of Driftwood Cottage borders the site access route the proposal submitted extends beyond land owned by the applicant
- Highlights that the neighbour reserves their right to retain the dimensions of their property as shown in the title deeds and to refuse to allow the gateway and associated access to be widened where it would infringe onto land owned by Driftwood Cottage

La Societe Guerneslaise commented on the previous proposals:

Highlight the environmental impact of light pollution on many types of wildlife such as birds, bats and insects. Such pollution can be particularly problematic when introduced into a landscape such as this one, where existing sources of artificial light are relatively sparse. We would ask that consideration be given to limiting the increased light pollution which may arise from this development within the rural landscape. Associated light pollution would extend over a large area of mostly agricultural land and adjoining wooded valley escarpments frequented by bats and other sensitive wildlife such as foraging owls.

We would also point out that Holm/Evergreen Oak (Quercus ilex) is not a native species to Guernsey (or Britain). It is a Mediterranean/Continental tree with very little associated wildlife value when planted locally. Further, it has a tendency to become quite invasive and as such, should not be planted in close proximity to SSS- or ABI-designated sites.

In connection with the previous application La Societe also drew attention to the use of the building by roosting bats given that there are bat populations in this part of

the Island. An inspection, by an appropriately qualified person, for current or recent use by bats prior to building works was recommended.

The National Trust of Guernsey – Although the redevelopment of the house is contained within the existing domestic curtilage the majority of the site will in future be taken up by building structures formed in a chequer pattern and courtyard gardens, interspersed with the pattern of the building footprint, leading to a far greater intensification of use of the site. The existing building is modest in size and traditional in architectural expression.

The existing landscape setting on the south coast headland above Saints Bay, is of exceptional value and attractiveness and the site can be viewed from a wide range of vantage points.

The concern could be that in future there may be an application to convert an adjacent agricultural field under the ownership of the applicant to domestic curtilage. Such a change would have a material impact on the farmland landscape of this part of the south coast.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of erecting a replacement dwelling on the site, the effect of the development on the APA and future use of agricultural land, the design and appearance of the proposed dwelling and its impact on the open landscape concerned and on residential amenity.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

Principle of replacement dwelling

Policy GP13 of the Island Development Plan indicates that demolition of existing and erection of replacement dwellings on a one for one basis will be supported where there is no significant adverse impact on the amenities of adjoining properties; the design, scale, mass and form of development does not detract from the character of an open area; and there is no adverse effect on the special interest of a Conservation

Area, Area of Biodiversity Importance, Protected Building or Protected Monument. The scheme relates to the replacement of a dwelling on a one for one basis and therefore there is a policy gateway for replacement of the existing dwelling. The site is not located in a Conservation Area or Area of Biodiversity Importance. There are no nearby protected buildings or sites.

Demolition of the existing buildings

Policy GP13, whilst allowing for the erection of a replacement dwelling in principle, also requires consideration of the contribution that the existing building makes to the character of the area concerned. In this instance, the existing property and associated outbuildings are considered to make limited contribution to the character of the area and its demolition would not have a negative effect.

Design, form, massing and scale of the proposed replacement building

The scheme proposes primarily single-storey development in order to limit its visual impact on the open landscape character of the area, within the Cliffs Landscape Character area (Annex V). Although this does not represent the most efficient and effective use of land because the scheme is not generally multi-storey when balanced against wider visual impacts on balance the scheme is appropriate for this particular site when considering efficient and effective use of land in line with the aims of Policy GP8.

The comments received regarding scale and design of the proposed development are noted.

There is no uniform design or palette of materials in the local area. The scheme relates to the erection of a primarily single-storey flat roof dwelling with a small two-storey element to the southwest. The scheme represents a contemporary building with elements taller than the one it replaces. Nonetheless, overall the development and palette of materials proposed represents a good standard of design that respects the local built and open landscape concerned in accordance with the aims of Policies GP8 and GP13 of the Island Development Plan.

The existing building on the site is located on a reasonable sized plot that would be capable of accommodating a larger building and Policy GP13 sets out that a comparison should not be made between the impacts of the existing dwelling compared with the impact of the new. The proposed dwelling would largely fill the existing domestic curtilage/garden area however, this is ultimately a matter of personal choice. It must be noted however, that this would not, through the IDP, provide justification for the change of use of agricultural land to domestic garden in the future. This scheme proposes the installation of a low timber fence and gate to separate the domestic garden from the retained agricultural land. These can be secured by condition to prevent the overspill of domestic activity and paraphernalia onto the retained agricultural land.

The application site is not within a conservation area and does not affect a protected building or protected monument but is in an elevated position. In respect of Policy GP8 c. (built and open character), the application will also be assessed against Policy GP1: Landscape Character and Open Land (below).

The proposed development will not result in unacceptable overshadowing or loss of privacy to the neighbouring residential occupiers. The scheme therefore meets the aims of Policies GP8, GP9 and GP13 in this respect. Overall, the scheme incorporates large areas of glazing to maximise solar gain and natural light, and courtyard external amenity space for the enjoyment of occupiers (GP8 and GP9).

The development provides bedrooms on both the ground and first floor when considering access for all. The accommodation is generously proportioned and will enable access within the building for people of all ages and abilities. The building would also offer opportunities to be adapted, or extended, to meet the future needs of occupiers. The scheme will also incorporate level thresholds and allow for good access around the building/site in line with Policy GP8.

The replacement dwelling proposed will not have an unacceptable adverse impact on the character or quality of the built environment or the character and amenity of the locality and therefore the aims of Policies GP13 and GP8 of the Island Development Plan have been satisfactorily addressed in this respect.

Impacts on landscape character and open land

Policy GP1: Landscape Character and Open Land seeks to ensure that proposals do not result in the unacceptable loss of distinctive features that contribute to the wider landscape character and the local distinctiveness of the area. The impact should be assessed in the wider context of the locality, *"In respecting the landscape character and openness of an area, a development need not be hidden from public view, but will be required to avoid undermining the wider landscape character and/or openness of an otherwise undeveloped area."*

The detailed design of the development including architectural detailing and materials has been considered elsewhere in the report (design, form, massing and scale of the proposed replacement building). Although a larger dwelling is now proposed, the linear form of the building also reduces its scale and bulk. The proposed building will not detract from the openness of the landscape character, and the building will not appear as an obtrusive feature in the wider area.

The land to the southeast of the application site is largely screened from the adjoining roads by the site boundary features and those defining the other, mainly linear agricultural fields that surround the site, particularly to the northeast and southwest. The site and land would however, be visible from the coastal path to the west at Saints Bay.

A landscaping scheme would help assimilate into the existing landscape character. Overall, the scheme meets the aims of Policies GP1 and GP8 in relation to landscape character and open land. Site landscaping will help assimilate the development into its surroundings and can be managed by condition. Careful consideration will need to be given to the detailed landscaping scheme so as to ensure that proposed trees to the south boundary and within the west courtyard area do not impinge on the accessway to the retained agricultural land.

Car parking provision and effects on surrounding highway

Policies IP7 and IP9 relate to private car parking and highway safety, accessibility and capacity respectively.

The set back position of the proposed gate is such that vehicles would pull clear of the narrow lane and onto the application site whilst the gate is opened/opening when considering highway safety. The position of the gate also does not impact on access to the retained agricultural land. The proposed gate is indicated to be 1.5m high and timber clad to match the house and will tie into the proposed fencing to the northwest site boundary between the proposed dwelling and its neighbour.

There is off-road parking, garaging and on-site turning to serve the property and therefore the aims of both Policy IP7 and IP9 have been satisfied in this case. The drawings confirm that cycle parking will be accommodated within the proposed garage to offer the occupiers of the dwelling with an alternative mode of transport in line with the aims of Policy IP6.

Waste Management Plan and Sustainable Design

The application has been accompanied by a Waste Management Plan which is considered to be satisfactory in this case. The information is considered to meet the aims of Policy GP9 in this respect and can be managed by planning condition.

With regard to Policy GP9: Sustainable Development the scheme seeks to address matters relating to siting, orientation, layout and fenestration. The Design Statement also addresses this matter. The revised application sets out that solar panels are to be located on the roof the first storey block and that paving will be permeable. EV charging points proposed within the garage for cars and bikes. The provision of these features can be managed by planning conditions and as submitted the scheme would satisfactorily address the aims of GP9.

A bin store is shown to be situated adjacent to the northwest site boundary.

Other matters

The issues relating to land ownership etc. have been noted and raised with the agent in this case and have resulted in revised plans having been provided. Ultimately, the

matter of land ownership/boundaries is a private civil matter that cannot prevent the grant of planning permission.

The application does not relate to the change of use of agricultural land to domestic garden and this land has been considered through previous applications for the site (see relevant history). The IDP seeks to protect Guernsey's best agricultural land (Policy OC5(A)).

The concern relating to possible future applications for the change of use of agricultural land to domestic garden is noted however, this can have no bearing on the current application which specifically excludes development on the agricultural land. Although the current access arrangements to agricultural land is via domestic land this is not uncommon in Guernsey. Previous applications did note that access between fields and the retained agricultural land could possibly be achieved with agreement from all relevant landowners which may not occur. Through this application the access arrangement, via domestic curtilage, to the agricultural land will not change. It remains the case that the retained agricultural land could positively contribute to the commercial agricultural use of the APA and could practicably be used for commercial agriculture within the APA without adverse environmental impacts. The revised proposals would not, however, prevent access to the retained agricultural land. Consideration must be given however, to current exemption rights which would allow for a pool or other built development to be provided in this part of the site (without the specific grant of planning permission) which would ultimately prejudice access.

The comments received regarding proposed planting, the retention of boundary landscaping etc. have been noted. As outlined elsewhere in this report, landscaping is a matter that can be addressed by planning condition and may address the retention and reinforcement of existing boundary landscaping could have been addressed by way of planning conditions. An informative note can be included highlighting the benefits of utilising native species as part of a landscaping scheme although a requirement that planting to be specifically native would be unreasonable as no change of use is proposed and the Strategy for Nature SPG has therefore not been engaged. An informative note can also be placed on the decision relating to roosting bats in relation to the demolition of the existing structures on the site.

Conclusions

The revised proposal, retaining a clear right of access between the site entrance and retained agricultural land within the APA overcomes the previous reason for refusal. It remains the case however that: *"Providing a dwelling with a "reasonable" curtilage given its size or because an applicant chooses to significantly extend the dwelling thereby reducing the available garden are not reasons given in the Island Development Plan to support the change of use of agricultural land to domestic garden."*

In view of the above it is recommended that permission is granted for the replacement dwelling proposed subject to planning conditions. It will be important to remove exemption rights in all areas along the southern site boundary which could inadvertently prejudice access to the retained agricultural land.

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

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

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

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

Date: 27/05/2026