

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 dwelling, widen vehicle access and parking area and associated works (revised scheme).

LOCATION: 18 Acacia Clos, Rue Maingy, Vale.

APPLICANT: Mrs Fatima Irene Allard

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: 04/08/2026

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/04/2026 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Robert W Le Page: 5496/Sk/01A, 02A, Block Plan (date stamped 15 APR 2026), Site Plan (date stamped 15 APR 2026)

Application Ref: FULL/2026/0550

Property Ref: C022810018

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 information submitted, the north and south facing windows hereby approved to the side elevations of the dwelling must be glazed with obscure glass to a minimum privacy level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and these windows shall be retained as such thereafter.

Reason - To protect neighbour privacy and amenity.

Expiry Date: This permission will cease to have effect on 03/08/2029 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/2026/0550
Property Ref: C022810018
Valid date: 15/04/2026
Location: 18 Acacia Clos Rue Maingy Vale Guernsey GY6 8NN
Proposal: Erect dwelling, widen vehicle access and parking area and associated works (revised scheme).
Applicant: Mrs Fatima Irene Allard

RECOMMENDATION - Grant: Planning Permission with Conditions:

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in which the window is installed; and these windows shall be retained as such thereafter.

Reason - To protect neighbour privacy and amenity.

OFFICER'S REPORT

Site Description:

The site comprises a parcel of land located within Acacia Clos, known as Plot 18. The clos is formed by a number of dwellinghouses, all of similar form, arranged around the central clos road. The application site is located to the west of the clos road, with residential properties located to the north and south.

The site appears to be in use as domestic garden by the adjacent property, 17 Acacia Clos, and is currently undeveloped apart from two small outbuildings/sheds and an area of hardstanding which is used as driveway parking by the adjacent dwelling. A hedge which is level with the front of the neighbouring dwellings encloses the site from the road.

The site is located Outside of the Centres as designated within the Island Development Plan, and abuts an Agriculture Priority Area to the west.

Relevant History:

In May 1973 preliminary approval was granted for the erection of 20 dwellings, forming the clos now known as Acacia Clos, with the requirement for full plans to be submitted by May 1974. The layout plan showed a dwelling within Plot 18.

Additional details including the house types were submitted and approved in 1974, with house type A (a semi-detached dwelling linked via garage) being approved within Plots 17 and 18.

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

The proposal is for the erection of a detached dwelling within the existing vacant Plot 18. The proposed dwelling has a similar design and position to the existing residential development which surrounds the plot.

The proposed dwelling is 3-4 bedroom, set over two storeys, with a front and rear garden and dedicated cycle parking to the rear of the site.

Revised plans were received at the request of the Planning Officer in order to overcome concerns raised regarding the relationship of the dwelling and the neighbours, given that the existing window in the side elevation of the neighbouring property would be largely blocked by the new building. As a result the building has been set back within the plot by 3.4m to improve this relationship.

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

OC1- Housing Outside of the Centre
GP8- Design
GP9- Sustainable Development
GP13- Householder Development
IP7- Private and Communal Car Parking

Representations:

9 separate letters of representation were received from 12 persons in respect of the plans as initially submitted, with a further letter sent on behalf of 10 addresses on the clos, 2 of which also submitted individual representation. These have been summarised below:

- The applicant's reliance on a 1973 permission is disputed. No dwelling was ever constructed on Plot 18, and the site has remained undeveloped for over 50 years. It is argued that any such permission should be considered abandoned and afforded minimal weight.
- Conflict with the development plan as the site lies outside defined development centres and does not align with the spatial strategy.
- Previous planning decisions: it is understood that earlier applications have been refused, and no material change in circumstances is identified to justify a different outcome.
- The proposal is for a single private dwelling and does not contribute to affordable housing need or wider public benefit.
- The dwelling is proposed in close proximity (less than 3 metres) to a neighbouring property, resulting in unacceptable overlooking, loss of privacy and safeguarding concerns.
- Amenity and living conditions of adjacent properties - with concerns raised regarding overshadowing, loss of natural light, reduced airflow, and increased risk of damp, with associated health implications.
- Proposal is significantly different from previous approval, and is closer to neighbours and more intrusive.
- Impact on character and established pattern of development as the plot has remained undeveloped for decades and contributes to the established character of the clos. Development is considered out of keeping with the existing pattern and spacing.
- The proposed design will not match the other house types on the Clos.
- Noise, dust and disturbance during construction, with particular concern for occupants with health conditions.

- It is argued that existing infrastructure is already under strain, and an additional dwelling could exacerbate pressure on services, such as surface water drainage and resulting in risk of localised flooding and sewage backups.
- Impact on road safety due to additional traffic, including during construction phase.
- Loss of open space- informal space for children, wildlife and community gatherings.

The neighbours were reconsulted on the revised plans and 5 letters of representation were received from 9 persons, along with a letter sent on behalf of 12 addresses on the clos (including 9 of the previous signatories and 3 new), which have been summarised below:

- Contrary to spatial strategy.
- Issues of siting, scale and layout remain unchanged.
- Unacceptable proximity to neighbouring dwellings.
- With the exception of the window-to-window relationship, the amended plans do not address previous concerns raised including inappropriate siting and scale, harmful relationship with neighbours, impact on light, air flow and residential amenity and the failure to align with the established character and layout.
- Loss of openness and impact on environment.
- Should include granite which matches the rest of the Clos.
- Property would be too small.
- Reliance on old, shared infrastructure to which owners of No 18 have not contributed. Proposal will increase the strain, and upgrades should be paid for by applicant.
- Overdevelopment of the site.
- Residents would not give permission for the road to be dug up and would take direct access to block the road to prevent builders accessing the clos.

Consultations:

Guernsey Building Control were consulted on the proposal and raised no objection.

Summary of Issues:

The main issues in the consideration of this application include the principle of the development, the impact on the character of the area and amenity of neighbouring occupiers.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Principle of development:

The site lies Outside of the Centres as identified in the Island Development Plan. Policy OC1 directs new housing development to sites within the Main Centres and does not support new isolated or sporadic residential development in this location, except through subdivision or conversion. Accordingly, in policy terms, the proposal to erect a new dwelling at this site would ordinarily be contrary to the spatial strategy of the Development Plan and detailed Plan policy.

In this case however, the clos received permission as a comprehensive development in 1974, and that permission has been lawfully commenced. Section 18(2) of the Land Planning and Development (Guernsey) Law, 2005 states that planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it. A lawfully commenced planning permission cannot be extinguished or abandoned. Whilst there is no local case law in respect of this matter, it has been established that UK case law can be persuasive where there is no established local position. In this respect, the Court of Appeal in *Camden LB v McDonalds Restaurants Ltd [1992]*, drawing from the judgement in *Pioneer Aggregates (UK) Ltd v SoS [1984]*, held that planning permission enures for the benefit of the land and a valid, implementable permission cannot be abandoned. It is therefore accepted that there is a valid, implementable permission to construct a dwelling at this site.

As a lawful dwelling can already be constructed on the site without the need for further planning permission, the principle of residential development has therefore been firmly established. This permission could be implemented at any time, subject to compliance with any conditions. This is a material consideration and carries substantial weight, particularly as in this case, there is no evidence to suggest the permission is incapable of being implemented and the current proposal would have a very similar impact.

While the current Development Plan seeks to restrict new residential development outside of identified centres, the proposal does not introduce a *new* residential use in principle, but rather seeks to update/replace a previously approved form of development.

The existence of a lawful and implementable 1974 permission carries significant weight. The fallback position establishes that a dwelling can already be built on the site and so the principle of residential development is accepted. This is an exceptional circumstance arising from the specific planning history of the clos in this case and is therefore unlikely to be repeated elsewhere. The conflict with the Island Development Plan would be outweighed by the fallback position and the material considerations associated with the extant consent. This means the principle of development is acceptable in this singular case.

Design, siting and impact on the character of the area:

The proposal introduces a new residential dwelling in between No 17 and No 19. The neighbouring dwellings in the Clos are all set back from the road, with open frontages, and have a fairly uniform layout and steep pitched roof design. The original plans for the Clos development indicate that No 17 and 18 were to be linked by the garage, as No 8 and No 9 currently are.

While there is no policy requirement to replicate the design of the existing clos development, the application proposes a detached dwelling with a steep pitched roof, dormers and matching materials. Although the proposal does not precisely replicate the neighbouring dwellings, nor does it exactly replicate the 1974 approved design, it draws upon the key architectural forms of the surrounding dwellings and uses similar materials to ensure the proposal will blend into the Clos development.

The proposal is acceptable in relation to the spacing and pattern of development within the Clos as the plot width is commensurate and the position of the dwelling within the site respects the relative uniformity of the surrounding development and the existing staggered building line. The proposed building has been located further back within the plot, because of concerns regarding the impact on the first-floor side window of the neighbouring property, and resultant loss of light and impact of overlooking. The position of the dwelling further back in its plot than its neighbours will not appear unacceptable in terms of the character of the area.

Impact on neighbours and amenity:

The proposal introduces an additional dwelling to the existing residential Clos, and this will have some impact on the amenity of other neighbours, particularly those either side of the dwelling. Although it is situated close to the boundary with the neighbouring dwellings, this is not uncommon in the vicinity, immediately opposite, No's 7 and 8 have a separation distance of approx. 2.3m, and would not be anticipated to give rise to issues relating to air flow and dampness.

The proposal includes side facing windows, the north elevation incorporates a high-level window to Bedroom 1, a condition will be used to ensure this is high level and to prevent any overlooking to the neighbouring property, as a secondary window to the bedroom this is appropriate. At ground floor, the proposed window in the north elevation serves a shower room and it is appropriate that this is also obscure glazed.

The south elevation has one first floor window proposed, this serves the stairs/landing and will also be conditioned to be obscure glazed on the basis that a limited outlook from this window is acceptable and will prevent any harmful overlooking into the neighbours.

The revised plans show the position of the development further back in the plot than neighbouring dwellings, this is to avoid the new dwelling blocking the side facing window of the neighbouring unit to the north which is understood to serve a bedroom. The new position ensures that there is no harmful impact to light levels and outlook received by the existing window. By pushing the dwelling back this will

also have some impact on the garden area associated with the adjacent property. The ridge of the proposed dwelling would however be approximately level with the rear building line of the dwelling at the adjacent property, with the roof form sloping down away from the dwelling. On balance, taking into account the position of the proposed dwelling relative to the adjacent property, the nature of the built form and the size of the amenity space associated with the adjacent property, it is considered that any impact arising would not be sufficient to warrant refusal of the application.

It is important to note that the dwelling which could be erected under the extant permission would largely obscure the neighbour's side facing window and would have a materially greater harmful impact on the neighbour's amenity.

In respect of other surrounding property, these are sufficiently distant to prevent adverse impacts in respect of the material considerations set out under planning law.

The proposed dwelling would provide good levels of amenity for future occupants and exceeds the space standards within the Guernsey Building Regulations. The proposal includes good levels of amenity and outdoor garden areas.

Other matters:

The proposed parking and access shown on the plans are acceptable in relation to IDP policies. One additional dwelling is not likely to have a significant impact in terms of traffic management or highway safety.

The comments in the representations regarding the impact on the existing infrastructure, and the ability of other residents to block access are not material planning considerations. All decisions made by the Authority are without prejudice to third party rights, and any issues should be resolved by seeking legal advice.

The loss of open space has also been raised, however it is understood that this land was enclosed and used as private residential garden and so the proposal does not result in the loss of public open space. While the additional space between dwellings is appreciated by residents, this was never proposed or approved in plan form and the introduction of a new dwelling would not have a harmful impact on the character of the area as the other dwellings are similarly spaced. There is no policy requirement to replicate the design of the existing dwellings.

Environmental impacts are also noted but there are no planning policies which specifically relate to biodiversity that would be applicable in this case. The land appears to have been maintained as garden so is unlikely to be a significant or rare habitat.

Noise, dust and disturbance may occur during construction, although this is short term in nature and would not warrant the refusal of the application. Any development would have to adhere to guidelines administered by the Office for Environmental Health and Pollution Regulation.

Conclusion:

In summary, and as a direct result of the specific planning history in this case, a lawful dwelling can already be constructed on the site without the need for further planning permission and so the principle of residential development has been established. This extant permission could be implemented at any time.

There are no changes in site circumstances since the original permission, and the proposed development represents an equal scheme in terms of design and an improvement in siting when compared to the 1974 approval, particularly given that implementation of the extant 1974 permission would result in a form of development that would have a greater impact on neighbours than the current scheme.

It is therefore recommended that planning permission be granted.

Date: 31/07/2026

