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: Convert barn to residential dwelling (Use Class 1), change of use of agricultural land (use class 28) to domestic garden (548sqm). Install rooflights to north elevation and alteration to fenestration to west elevation. Partial demolition of outbuilding.

LOCATION: Bas Sejour Barn, Ruette De Fries, Castel.

APPLICANT: Mr N Le Page

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: 24/09/2026

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/07/2026 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd: 6631/A/2a

Application Ref: FULL/2026/1109

Property Ref: D01275A000

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. The secure and covered cycle parking shown on the approved plans shall be provided prior to the dwelling hereby approved being first brought into use.

Reason - To encourage the use of bicycles as an alternative to the car.

5. The permeable hard surfacing shall not be constructed until full details of that surfacing, including a written specification for its laying, have been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing has been laid in accordance with the approved details.

Reason - In the interests of sustainable development, these features have been proposed to address the requirements of Island Development Plan policy GP9: Sustainable Design.

6.Prior to the commencement of any work in connection therewith details of the PV panels to be installed to the southern roofslope, to include the number, appearance and projection above the roof plane, shall be submitted to and agreed in writing by the Authority. There shall be no occupation of the approved dwelling until the PV panels have been installed and made operational.

Reason - In the interests of sustainable development and the States Electricity Strategy for Guernsey (2023).

7.a) Prior to the commencement of any work in connection therewith full details of hedge and planting indicated in planters to the west and north of the dwelling noting the species, sizes, numbers and densities of plants shall be submitted to and agreed

in writing by the Authority.

b) The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above a), 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 - To help assimilate the development into its surroundings.

Expiry Date: This permission will cease to have effect on 23/09/2029 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-
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.

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 birds or bats may be roosting or 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.

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

States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No:	FULL/2026/1109
Property Ref:	D01275A000
Valid date:	27/07/2026
Location:	Bas Sejour Barn Ruette De Fries Castel Guernsey
Proposal:	Convert barn to residential dwelling (Use Class 1), change of use of agricultural land (use class 28) to domestic garden (548sqm). Install rooflights to north elevation and alteration to fenestration to west elevation. Partial demolition of outbuilding.
Applicant:	Mr N Le Page

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To help assimilate the development into its surroundings.

INFORMATIVES

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.

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 birds or bats may be roosting or 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.

OFFICER'S REPORT

Site Description:

Bas Sejour Barn is a detached granite building with pantile roof situated to the east of Ruette De Fries. A single-storey lean-to exists to the north elevation and a single-storey pitched roof attached building is situated to the west. It is set tight to the southern site boundary, set back from the road and accessed via a lengthy driveway. There are a number of residential properties in the vicinity of the application site but generally fronting the highway.

Access from the highway is Ruette De Fries but it is also noted that there is an accessway leading to adjoining agricultural land to the north.

The site is located Outside of the Centres and not within the Agriculture Priority Area as designated in the Island Development Plan. There are a number of protected buildings in the vicinity of the site.

Relevant History:

Pre-application advice was sought in 2024.

Cadastre records for 1971 refer to a workshop, shed, garage/store and chapel of rest and a similar description was given in 2002. In 2025 the site was described as a barn and buildings, collectively called Bas Sejour Barn, a driveway and land at La Ruette des Fries.

In October 1970 permission was granted for the construction of the front extension to the barn in order to form a Chapel of Rest.

Information held by the Planning Service notes the building as being JW Le Page joinery store in 2001.

Existing Use(s):

Sui-generis – Chapel of Rest
Storage/Distribution

Brief Description of Development:

The application relates to the change of use of the existing building to a unit of residential accommodation comprising an entrance porch kitchen dining room, separate lounge, a shower room and utility on the ground floor and three bedrooms and a bathroom at first floor level. Five rooflights are proposed to the northern roofslope of the main building. Two off-road parking spaces are proposed to the north of the building.

The June 2026 inspection report confirms that the building is a former barn. Historical mapping suggests the site was previously a quarry and the building is partially constructed against an old quarry face, which remains visible inside the building. It is of solid masonry construction, using natural stone and brickwork, with traditional timber roofs. There is no evidence of foundation movement, structural failure, cracking, or settlement, despite the building being over 125 years old. Although no trial pits were undertaken, the surveyor considers it likely that the walls are founded directly onto solid rock, which has provided adequate support over its lifetime.

Walls and Foundations

- The existing stone wall along the access driveway is not believed to be a retaining wall but rather a facing to the natural rock behind.
- There is no evidence of movement, bulging, or structural distress to any of the masonry walls.
- The spine wall separating the single and two-storey sections is structurally sound, with no signs of cracking or movement around openings or lintels.
- The south-east elevation shows no evidence of damp penetration or pressure from the adjacent slope.

Roof Structure

- The roofs are traditional timber-framed constructions and remain structurally sound.
- The timbers are generally in good condition and capable of supporting the existing roof coverings – some tiles lost in Storm Goretti but little roof work needed.
- Certain roof members do not meet current design standards, but do not show signs of distortion or deflection over many decades. Simple strengthening measures could easily address this if required.
- Some minor upgrading will be required to accommodate modern insulation standards.

Floors

- Existing ground floors are not considered structural and can be replaced to meet modern Building Regulations without affecting the existing walls.
- The more modern single-storey extension has a concrete floor considered broadly equivalent to modern construction standards and capable of supporting domestic use.

- Insulation improvements will be required but sufficient headroom exists to accommodate this.
- The visible rock beneath the building means excavation works are unlikely to create stability issues.

Timber Elements

- Some embedded timber bearings within the masonry should ideally be replaced or upgraded as part of any conversion, as a precaution against long-term moisture-related deterioration.
- This is considered routine refurbishment work and there is currently no evidence of structural problems associated with these timbers.

Access and Commercial Use

- The report notes limited vehicle access and a lack of turning space for larger vehicles due to the narrow single-track lane.
- The building has little realistic commercial potential because it is unheated, uninsulated, has restricted access, and is located within a residential area.

<u>Overall Conclusion</u>

The surveyor concludes that:

- The building is sound, substantial, and structurally stable.
- There is no evidence of foundation failure or significant structural defects.
- Only modest works are required to bring the building up to current standards.
- The building can be converted into a comfortable family home without major structural alterations or extensions.
- Reusing the existing structure would avoid the need to create a new building plot and is consistent with the aims of current planning policies regarding the conversion of traditional rural buildings.

In relation to Policy GP15 and the change of use of land the planning agent letter sets out that the policy would require the outbuilding to have its own domestic curtilage and so an area of land is to be sectioned off for that purpose. New hedging is proposed to define the boundary and enhance biodiversity. The net positives are identified as being the removal of a poor outbuilding and provision of new housing to contribute to the required stock, new native planting to the site boundaries which will also help the dwelling to fit in with its surroundings and with improvements to existing mature hedgerow around the boundaries.

In relation to GP9 the application submission notes that the scheme takes the opportunity to significantly improve the thermal performance of the building through the addition of insulation internally and in all respects the scheme would be completed in accordance with the requirements of the Building Regulations. The windows and doors will be replaced and upgraded. It is noted that the with the exception of fenestration changes the works can be carried out without external changes. As originally submitted the scheme made no reference to the inclusion of

solar panels to address the Development & Planning Authority requirement for these to be provided nor is consideration given to an EV charging point.

The application was deferred to ensure that the biodiversity measures are noted on the drawings and to enable the matter of sustainable design/solar panels etc. to be addressed along with clarification relating to rights of access and on-site turning.

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

Policy OC1: Housing Outside of the Centres
Policy OC3: Offices, Industry and Storage and Distribution Outside of the Centres
Policy GP1: Landscape Character and Open Land
Policy GP8: Design
Policy GP9: Sustainable Development
Policy GP15: Creation and Extension of Curtilage
Policy GP16(A): Conversion of Redundant Buildings
Policy IP6: Transport Infrastructure and Support Facilities
Policy IP7: Private and Communal Car Parking
Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

Two letters of representation have been submitted objecting to the application and raising the following points:

Redundancy

- The description, redundant, is questioned as the building has been used for storage for decades by the previous owners and still houses a large amount of stored items up to and since the purchase – pre-sale storage for materials, joinery, windows, equipment, furniture etc. Post-sale storage of tools, machinery, timber, and other materials.
- It was sold as "currently used as a workshop and storage" (estate agent details) – does this satisfy the relevant requirements of Policy GP16(A)?
- The evidence directly conflicts with the suggestion that the building has been unused for many years – without more evidence the application does not adequately establish the fundamental policy basis upon which the proposed residential conversion relies
- The applicant should be required to demonstrate that the building is genuinely redundant and no longer required or reasonably capable of continuing to be used for its existing or previous purpose:
    - When did the previous workshop/storage use cease
    - Whether the building remains in use for storage
    - Why it is no longer required

Condition of existing building

- The Authority should be satisfied that the structural information submitted accurately reflects the buildings present condition, particularly the roof and any deterioration caused by prolonged exposure to the weather:
    - How long has the building been exposed to the weather
    - Deterioration of the roof structure
    - Water penetration into the walls and structural fabric
    - Current stability and integrity of the building
    - Whether the proposed works constitute genuine conversion rather than substantial reconstruction
- The roof of this building has had huge holes in well prior to Storm Goretti
- Deterioration is continuing with accumulated debris, damaged and displaced tiles and numerous openings through which daylight is visible

Access and parking

- The suggestion within the application that the track is unused or incapable of accommodating heavy machinery is incorrect
- A major concern is the very restricted access to the site which shares rights of access for both Bas Sejour and neighbouring fields/stables/tractor store (sole access), although the application refers to it being unused/cannot handle heavy machinery this is not true – it is used by agricultural machinery and in connection with the movement of livestock (including veterinary access if needed) to the adjoining land which can involve noise, mud and vehicle movements at varying times of the day – these should not be compromised by the introduction of a new residential use
- There would be insufficient space for two vehicles to park, manoeuvre and turn without obstructing or overhanging the track – they could significantly block the track and rights of access to the farmland
- The application should demonstrate, with accurate dimensions and vehicle tracking information that:
    - Two vehicles can be parked wholly within the application site
    - Neither vehicle would obstruct or overhang the shared track
    - Vehicles can turn without reversing an unreasonable distance along the narrow track
    - Agricultural vehicles of all shapes and sizes can continue to pass without obstruction
- There is limited information about construction would take place given the narrow access – contractor vehicles, deliveries, skips etc. would need to be accommodated while agricultural access is maintained – a Construction Management Plan should be required before the development is approved
- There could be conflict between residential vehicles, visitors and deliveries and the existing uses of the track – how would vehicles associated with the proposed use pass, turn or manoeuvre safely without interfering with agricultural traffic? How the proposal would avoid conflict between future residents and established agricultural activity
- The existing use is more appropriate

Other matters

- The building lies within a former quarry (roof and building immediately adjoining and abut the exposed quarry rockface – this physical relationship limits space available for excavation, access, drainage infrastructure and future maintenance
- How can foul and surface water drainage be accommodated? The siting and means of excavating/constructing soakaways/cess pit is not mentioned in the application and nor are there details of ground conditions and depth of available soil above the quarry rock
- How will surface water run-off be prevented from affecting the tract or neighbouring land?
- How will a cesspit be accessed, emptied and maintained?
- A Construction Management Plan would be appropriate in relation to the construction of cesspit and soakaways
- Where will a cesspit emptying vehicle stop without blocking the shared access?
- Where will materials be stored given that continuous access to the agricultural fields, stables and tractor store are required?

La Societe Guernesiaise - wish to highlight that this property adjoins an Agricultural Priority Area. it is feasible that the buildings could be returned to agricultural use although we acknowledge that it is largely disused at the moment.

We would point out that buildings of this type can be used by roosting bats. This likelihood can increase when the property is located within a variable landscape with habitats such as farmland or woodland nearby. The Bailiwick Bat Survey has shown that there are bat populations in this particular part of the island.

It is strongly recommended that the existing building, in particular the roofspace, be inspected for current or recent use by bats (or other wildlife) by a suitably qualified person prior to any building works. This would reduce the risk of disturbing or destroying animals which are legally protected under the Animal Welfare Ordinance 2012.

We would further recommend that appropriate provision for roosting bats and certain species of nesting birds be incorporated into the development.

It is requested that, if this application is considered further, both the bat survey and requirement for wildlife provisions are covered by an appropriate planning condition.

If an informative note is used instead, we would request the following wording -

'Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing building may be used by bats or other wildlife for roosting and nesting. We require the site to be inspected by a suitably qualified person prior to any building works.

Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species 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 by emailing info@societe.org.gg

The proposals also raises other concerns as follows -

1. The issue of light pollution associated with this development within this rural landscape. Such pollution would arise from the extent of new glass (west elevation and rooflights) and from any external lighting.
2. The collision risk associated with the proposed glass in the west elevation. This would impact birdlife in the area.

Finally, we note that the applicant has not included any biodiversity measures as required to offset the proposed new domestic curtilage.

Consultations:

None.

Summary of Issues:

The main issues in deciding this application are:

1. The principle of the development.
2. Whether the existing building is of sound and substantial construction and is capable of conversion to a residential use without extensive alteration or rebuilding.
3. The impact of the development on the character and openness of the landscape.
4. The impact on the amenities of neighbouring residents.
5. Parking/turning arrangements
6. Rights of way

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.

The comments and concerns regarding the change of use away from the existing storage use are noted. Nonetheless, Policy OC3 makes provision for the change of

use away from a storage and distribution use where the scheme complies with all other relevant policies in the IDP.

Policy OC1 provides scope for the conversion of existing redundant buildings to dwellings Outside of the Centres provided that specific criteria as set out in Policy GP16(A) are met. As residential accommodation is proposed in this case criteria b. of Policy GP16(A) is satisfied.

Land to either side in Ruette des Fries is domestic. There were, historically, glasshouses on land to either side in Ruette des Frites however these have been cleared and its previous commercial use has been demonstrated as having ceased (agent photographs confirming the building is vacant) so the building is demonstrated as no longer required for its last known purpose in compliance with GP16(A) a. The scheme proposes accommodation at ground and first floor level which represents efficient and effective use of the existing building when considering the aim of providing multi-storey developments (GP8).

Concerns have been raised through the public consultation process regarding the condition of the building, its roof and construction incorporating the rockface. A Structural Report has been provided to support the submission. Overall, the structural report concludes that the buildings are of sound and substantial construction and have the capacity in their current state to be converted to a residential dwelling with the associated domestic loadings. The policy requirement for the conversion of a redundant building relates to whether works would not be extensive (or tantamount to rebuilding). As shown on the application drawings and the associated information, external alterations are limited (rooflights to north roofslope, replacement windows to north and west elevations and the infilling of a doorway with glazing also to the west elevation). The extent of works proposed is relatively minor and so even with a replacement roof covering, if needed, given the comments, photographs and concerns raised through the consultation process would not amount to extensive alterations for the purposes of the policy. This, together with the structural report, is sufficient to demonstrate that the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding in accordance with criteria c. of Policy GP16(A).

The building does have a traditional external appearance which is characterful. The limited external works, including the removal of a later detractor addition would not result in harm to a building of character and its contribution to the character and appearance of the area when considering criteria e. and h. in terms of impacts on the surrounding area. The works proposed represent a good standard of design that respects the local built and open environments in accordance with Policy GP8. The development will not impact on any protected building or their setting when assessing Policy GP16(A) criteria d. and GP5. Criteria g. regarding extension is not applicable in this case.

The ancillary development in this case would relate to the demolition of an existing extension to facilitate off-road parking and associated hardstanding (not addressed in the original application submission). Nonetheless, the works can be carried out without unacceptable adverse impacts on the character and openness of the landscape given the position of the building, set back from the road and existing/proposed boundary treatments. These points, do not however, address the comments and concerns raised through the public consultation process about how the scheme (consultation on landscaping scheme/parking position not undertaken) could impede access to the adjoining agricultural land and this matter is addressed in more detail elsewhere in this report.

In terms of neighbour amenity this is addressed through Policy GP8 and GP16(A) h. The siting of the building in relation to neighbouring properties, the change in levels between the site and eastern neighbour and the position of fenestration is such that the potential for overlooking and loss of privacy remain within acceptable limits. There will be no changes on site that could generate overshadowing/loss of light.

Annex I of the IDP is also applicable when considering the future living environment of occupiers of a development. The development will be provided with a reasonable aspect/outlook primarily along the driveway of the property towards Ruette des Fries but also from the rooflights to the north and the arrangement of fenestration, including large area of glazing proposed to the lounge at ground floor level will offer good daylight and sunlight to the majority of accommodation. Bedroom 2, served only by a rooflight will have more limited outlook but overall the scheme achieves reasonable standards. The kitchen/dining area will have limited sunlight/daylight from the one west facing window but with internal alterations as indicated an element of borrowed light will be achieved from the large west facing glazing to the lounge area. The relationship of the building to its neighbours will ensure that the development will not suffer from unreasonable levels of overlooking or loss of privacy. In terms of open space this is proposed to the north of the property and there are currently a number of trees that could affect sunlight/daylight. Nonetheless however, the site does offer scope for adequate access to open space for the dwelling as proposed and details relating to the removal of trees/landscaping proposals for the site can be addressed. The accommodation exceeds the minimum accommodation sizes (based on 5 occupants) set by Building Control and exceeds the best practice DCLG Space Standards.

It is noted that should the right of way exist/remain (discussed further elsewhere in this report) then this could impact on the amenity/lawn space adjacent to the proposed dwelling. It could, for example, require a deviation from the approved plans regarding the extent of hardstanding/lawn to facilitate vehicular traffic but this alone would not preclude the use of the space for amenity purposes by future occupiers and when balancing the different amenity requirements of Annex I the scheme remains acceptable.

The accommodation will be served by a staircase only which would likely preclude access for wheelchair users however, the staircase would offer access to the upper

floors by ambulant disabled. The existing building presents some barriers to accessibility for people of all ages and abilities. Nonetheless, the ground floor accommodation is on a single level and the layout accommodation could also be adapted at a later date to meet the changing needs of occupiers (e.g. grab rails in WCs/bathrooms, installation of hoists provided bedroom and bathroom ceilings are constructed in an appropriate manner and careful and appropriate siting of service controls). The scheme therefore addresses GP8 criteria f. and g.

The level of on-site parking is considered satisfactory for this development. Although the plans do not identify a designated turning area there is sufficient space on site to enable vehicles to turn and exit in a forward gear when considering the extent of hardstanding shown. The use of the access by a single dwelling will not have an unacceptable impact on highway safety or the local road network. The scheme as originally submitted did not include information relating to secure and covered cycle parking but as revised the plans do show a cycle store to the rear of the tandem parking spaces. As such the scheme addresses Policies IP6, IP7 and IP9 of the IDP.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9. The information is relatively limited for a new unit of residential accommodation but has been updated to include solar panels to address the Development & Planning Authority requirement for all new housing schemes to incorporate solar panels.

A curtilage is the land directly surrounding a building that is closely connected to and used for the building's purposes. For homes, this is usually the garden and may include features such as washing lines, play areas, swimming pools, sheds, and ornamental gardens. For commercial or non-domestic buildings, curtilage can include operational areas such as storage spaces, builder's yards, car parks, and loading/unloading areas that support the building's use. In this case therefore, as the land within the red line site boundary is considered within the curtilage of the existing building (and its former storage use) there would not be a change of use of agricultural land to domestic garden and as such an assessment against Policy GP15 is not required because there is no extension of curtilage onto adjoining agricultural land. Although some concerns have been raised by the representor, La Societe, regarding the scheme the site is not located in a designated area such as an Area of Biodiversity Importance or Site of Special Significance to enable the Planning Service to require further information/consideration of these matters although an informative note can be placed on the decision about the Wildlife Ordinance and drawing attention to protecting wildlife and the comments raised through the public consultation process.

Nonetheless, the area of land is well associated with the proposed dwelling and the boundaries of the site are clearly defined (no boundary features to be removed) and the surrounding land is in separate ownership. Given the established site boundaries (an element of infilling required to the west), the proposal would not undermine the wider landscape character or the openness of the area in accordance with Policy

GP1. The planting indicated to be provided is considered proportionate to the land in question and necessary to help assimilate the development to its surroundings along with offering an attractive external amenity area for occupiers of the dwelling.

As domestic garden normal householder exemption rights would apply and it is reasonable to consider whether it is necessary to remove any householder exemption rights in this case. The siting of the site, largely to the rear of frontage residential development and its relatively limited size it is not considered necessary to remove householder exemption rights for buildings/greenhouses etc.

During the public consultation process, concerns were raised regarding rights of way across the site. This issue was discussed with the planning agent, who advised that prospective purchasers would be aware of any rights of way contained within the property title and provided supporting information from Collas Crill. The agent's position is that, even where a right of way exists, vehicles may still be parked on the land provided they can be moved to allow passage when required. As such, the existence of a right of way does not, in itself, prevent planning permission from being granted, as rights of access are generally a civil matter between the relevant parties.

Representations received during the consultation process suggested that access to the agricultural land to the north is only available via the application site. However, aerial photography appears to indicate an alternative access route from Le Gardinet to the west. This route crosses land outside the ownership of Le Gardinet before connecting to a larger area of land under the same ownership. Within this larger landholding there is also a vehicular access and driveway connecting to Ruette des Cherfs. Consequently, it appears that the agricultural land to the north may have access options other than through the application site.

In the case of Bas Sejour, the proposed site layout includes a lawned area between the paved driveway and the gate leading to the adjoining agricultural land. This arrangement could give rise to practical conflicts between residential and agricultural uses and may affect the implementation of the permission if access rights cannot be resolved. The Planning Service has investigated the matter of the right of way and as outlined above, this would not represent a material planning consideration to justify the refusal of permission. An informative note may be placed on the permission drawing attention to third party rights.

Other matters raised during the public consultation process, including excavation works, drainage infrastructure and maintenance, cesspit emptying arrangements, and the storage of materials during the construction phase, have been noted. However, these are not material considerations in the determination of this application.

Matters relating to drainage and excavation are addressed through the Building Control process. As noted elsewhere in this report, rights of way are private civil

matters. Similarly, arrangements for cesspit emptying fall outside the scope of this assessment and would be for the relevant parties to resolve.

In view of the above and additional information provided it is recommended permission is 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; 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: 21/09/2026