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: Remove section of wall and excavate to create agricultural field and track access.

LOCATION: Le Colombier Farm, Rue De Colombier, Torteval.

APPLICANT: Mr & Mrs D Jones

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: 07/07/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/05/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room - 248 B1 & B2A.

Application Ref: FULL/2021/0864

Property Ref: G001840000

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.Within four weeks of the new access being brought into use, the ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the existing roadside boundary.

Reason - To secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 06/07/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-
The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the domestic curtilage associated with the dwelling presently known as Le Colombier Farm. It is recommended that an Application for a Property Search is submitted should you wish to receive a plan outlining the area of domestic curtilage.

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/2021/0864
Property Ref:	G001840000
Valid date:	10/05/2021
Location:	Le Colombier Farm Rue De Colombier Torteval Guernsey GY8 0NF
Proposal:	Remove section of wall and excavate to create agricultural field and track access.
Applicant:	Mr & Mrs D Jones

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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. Within four weeks of the new access being brought into use, the ends of the new

opening shall be finished off using materials and a method of construction which match the remainder of the existing roadside boundary.

Reason - To secure the satisfactory appearance of the completed development.

INFORMATIVES

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the domestic curtilage associated with the dwelling presently known as Le Colombier Farm. It is recommended that an Application for a Property Search is submitted should you wish to receive a plan outlining the area of domestic curtilage.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested to remove and excavate a section of wall/bank to create a vehicular access to agricultural land. The agent advises that access to the agricultural land is currently gained across the main driveway, through the barn breezeway and past the stables adjacent to the rear private garden of the dwelling. The existing access leaves mud trails through the garden and affects the privacy of the dwelling and the proposal seeks to provide an alternative access to the agricultural land to enable its continued use for farming.

The site consists a large traditional dwelling with attached barns/stables forming an L shaped building. There is a horseshoe shaped driveway and parking to the front of the dwelling and associated domestic land to the rear. The whole of the exterior of the building, together with the stone well housing at the rear and the barn attached to the western side of the farmhouse, is a protected building.

The site is situated on a narrow rural lane and the dwelling and domestic land is surrounded by agricultural fields. The site is in a Conservation Area, an Agriculture Priority Area and is Outside of the Centres.

Relevant History:

None

Existing Use(s):

Agriculture use class 28

Assessment: *(Tick as appropriate)*

no representation	✓	visual amenity acceptable	✓
accords with policy	✓	no material neighbour impact	✓
within curtilage	n/a	traffic not affected	✓
design acceptable	✓		

Policies considered most relevant:

Policy OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas
Policy GP1: Landscape Character and Open Land
Policy GP4: Conservation Areas
Policy GP5: Protected Buildings
Policy GP6: Protected Monuments
Policy GP8: Design
Policy IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

Policy OC5(A) supports development relating to the agricultural use of an existing agricultural holding or for a purpose ancillary or ordinarily incidental to the existing principal agricultural use.

In considering proposals for enhancements to access, Policy IP9 requires the Authority to seek to ensure, wherever possible, that they do not result in adverse impacts on the special interest or character and appearance of a Conservation Area, protected building or protected monument, or elsewhere, on the landscape character or distinctive natural or built features that contribute positively to the character of the wider area. In this case, Policies GP1, GP4, GP5, GP6 and GP8 would also be relevant.

The proposed access has the potential to improve the practical use of the agricultural land by omitting the need to traverse the breezeway and thereby increasing the range of agricultural vehicles and equipment which could access the land. The principle of creating the access to serve the agricultural land is supported under Policy OC5(A).

The existing roadside bank makes a positive contribution to the rural character of the area. The evergreen hedge on top of the bank is not sympathetic to the rural character of the undeveloped/agricultural land. The removal of the evergreen hedge would open up views across the undeveloped/agricultural land from the highway, which would enhance the rural character of the area. The design of the access, including the banked sides and turf track would conserve the character and appearance of the Conservation Area and would have no adverse effects on the special interest of the adjacent protected building or protected monument.

As set out in the Traffic Engineering Guidelines for Guernsey, the highway is classified as a Neighbourhood and Country Road where the functional emphasis is primarily one of access to individual properties and provision for vulnerable road users. Due to the low traffic flows along Neighbourhood and Country Roads, the control of frontage activities is not important and a greatly relaxed regime of traffic management is permissible. In this case, due to the nature of the highway, the proposed access is unlikely to result in any significant road safety or traffic management concerns.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

It is recommended that the application is approved.

Recommendation:
Grant with Conditions ☑

Date: 07/07/2021