

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: Install replacement fence to west boundary (retrospective) (revised scheme).

LOCATION: La Cachette, Ruelle Du Guet, Castel.

APPLICANT: Mr & Mrs I Gilmour

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: 29/04/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 09/11/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Soup drawing no: 408_100 (B).

Application Ref: FULL/2021/2260

Property Ref: D01293A000

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 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.

3. The timber fence hereby approved shall be lowered in accordance with the approved plans (Drawing No. 408_100(B) 'No.2 Existing West Elevation - i.e proposed') within 3 months of this decision notice being issued.

Reason - To ensure that the works are completed in a timely manner and to avoid any ambiguity with the elevation drawing to be carried out on site.

Expiry Date: This permission will cease to have effect on 28/04/2025 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/2021/2260
Property Ref: D01293A000
Valid date: 09/11/2021
Location: La Cachette Ruelle Du Guet Castel Guernsey GY5 7EL
Proposal: Install replacement fence to west boundary (retrospective)
(revised scheme).
Applicant: Mr & Mrs I Gilmour

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 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.

3. The timber fence hereby approved shall be lowered in accordance with the approved plans (Drawing No. 408_100(B) 'No.2 Existing West Elevation - i.e proposed') within 3 months of this decision notice being issued.

Reason - To ensure that the works are completed in a timely manner and to avoid any ambiguity with the elevation drawing to be carried out on site.

OFFICER'S REPORT

Brief Description of the site:

The application site, known as 'La Cachette', comprises a detached, 1.5 storey dwelling-house located to the south of Ruelle du Guet, Castel. The property is located Outside of the Centres as defined in the Island Development Plan.

Surrounding the site the area comprises residential properties to the east and south, with fields to the west and woodlands to the north, known as 'Le Guet'. A protected building stands to the east, with an Agriculture Priority Area to the west.

Despite the scattered built environment to the east, south and west of the application site, the surrounding area has a relatively undeveloped, open and rural nature which contributes to the landscape character and amenity of the area.

Planning permission was refused in 2021 (FULL/2020/1395) to install a 1.8m high timber fence along the west boundary of the site, extending up to Ruelle Du Guet.

Planning permission was originally sought as part of this application for the same development, albeit the proposal was accompanied with supporting information in attempt to justify the proposal.

Given that there had been no material change in circumstances since the refusal, such as a different Development Plan and planning policies to potentially come to a different decision, the same concerns were raised in respect of the development, despite the inclusion of supporting information.

The agent has submitted revised drawings which shows a section of the fence (approx. 11m long), being lowered to 1.2m nearest the road and rising up to 1.8m high towards the house, in attempt to overcome the concerns raised.

Relevant History:

FULL/2020/1395	Install replacement fence to west (side) boundary. (Retrospective).	Refused
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Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
✓
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Policies considered most relevant:

GP8: Design
GP13: Householder development

Conclusion/Brief comment:

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.

In light of the amendments secured, the proposed development will adopt a staggered form with the lowest section of fencing nearest the road and rising up to 1.8m nearest the dwelling. The extent of fence panels being reduced to 1.2m is appropriate for this relatively undeveloped, open and rural setting and is not considered to raise any significant concerns in terms of its impact on visual amenity or the character of the area to warrant refusal.

As noted in the previous report, the proposal does not raise any neighbour amenity concerns.

Overall, the proposal adopts a good standard of design and is compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to appropriate conditions. The fence panels to be lowered must be carried out over a reasonable time period to ensure the proposal is in accordance with the revised drawings submitted.

Recommendation:

Grant with Conditions

✓

Date: 12/04/22

