

**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 sheds, erect shed, demolish and rebuild pillars and install gate (retrospective).

**LOCATION:** Vue Du Moulin, Rocque Es Cas, Vale.

**APPLICANT:** Mr S De Carteret

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:** 07/04/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 09/02/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Block Layout Plan - Location of summerhouse  
Block Layout Plan - Location of sheds to be demolished and gate  
Photograph of gate  
Details of Summerhouse

**Application Ref:** FULL/2022/0138

**Property Ref:** C00072A000

**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.

**Expiry Date: This permission will cease to have effect on 06/04/2025 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](http://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](mailto: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/2022/0138  
**Property Ref:** C00072A000  
**Valid date:** 09/02/2022  
**Location:** Vue Du Moulin Rocque Es Cas Vale Guernsey GY3 5BP  
**Proposal:** Demolish sheds, erect shed, demolish and rebuild pillars and install gate (retrospective).  
  
**Applicant:** Mr S De Carteret

**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 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.

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**OFFICER'S REPORT**

**Site Description:**

The property known as 'Vue du Moulin' is a 1970's one and a half storey detached dwelling which sit in the north of a large plot, the house faces south. Rocque es Cas

runs along the eastern boundary with vehicular access just to the south of the dwelling. There are neighbouring properties to the north and west, open fields to the south and a vinery across the road to the east. The property is located Outside of the Centres as defined in the Island Development Plan.

**Relevant History:**

There is no relevant history pertaining to this application.

**Existing Use(s):**

Residential use class 1: dwelling house.

**Brief Description of Development:**

This is a retrospective application to demolish two sheds and erect a summerhouse in the same location as one of the old sheds. Demolish and rebuild the vehicular entrance gate pillars and install a new gate.

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

GP8: Design

GP13: Householder Development

**Representations:**

There has been one letter of representation and the issues are;

- Moving the summerhouse from the area behind the hedge has the effect of increasing the area available for parking.
- The neighbour is concerned about the area being used commercially for the 'Mister Shifter' waste business.
- Moving the summerhouse from behind the hedge makes it visible from the road.
- The site used to be a vinery and it is not clear from the application that the proposed position of the summerhouse falls within the domestic curtilage.
- The roadside gate to this property is on a difficult corner junction. The roadside wall was formerly of rough granite construction with no pillars. This has been changed to a formal pillar structure with granite caps and is slightly wider than the previous opening. It is incorrect to state that they were rebuilt with the original granite, they have a totally different appearance.
- When a vehicle is waiting for the gate to open, they will pass the vehicle on the wrong side of the road, right on the junction, with severely limited visibility of traffic approaching from the other direction. This poses significant risk of collision. This risk is exacerbated by the frequency of use.

### **Consultations:**

None

### **Summary of Issues:**

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

### **Assessment against:**

#### **1 - Purposes of the law.**

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

Policy GP8 expects proposals to achieve a high standard of design which respects and where possible enhances the character of the environment. GP13 supports development where there are no significant adverse effects on the amenities of neighbouring properties. Both policies provide for a high degree of personal choice on design matters in less sensitive areas (outside of Conservation Areas and not affecting the setting of protected buildings).

In this instance, the whole of the land is considered to be domestic curtilage, verified on the 30<sup>th</sup> October 2001, therefore the location of the retrospective summerhouse is within the domestic curtilage.

The summerhouse is positioned in the location of shed 'A', just behind the central hedge, where it is not particularly visible from the road. The location of the summerhouse is considered to be appropriately positioned on site. In this position the proposal would not harm the residential amenities of neighbouring properties nor would it impact on the landscape character of the area.

The points raised by the objector have been noted, however the vehicular entrance point has not been widened as claimed. The ends of the granite wall were removed and rebuilt with pillars to allow for fixings for the new gate, but the width of the access point has remained the same. There are no planning issues with the construction of the new pillars, gate, and gateway. The issue highlighted in the letter of representation about highway safety is not a new issue, as previously there was a gate, which required the driver of a car to leave the vehicle (in the road) and physically hand open the gate, return to the car to drive in. The new system alleviates the safety issue slightly by allowing the driver to remain in the car whilst the gates open.

Due to the nature and type of development, it is not considered necessary for the applicant to demonstrate that the proposal has been designed to take into account the criteria of Policy GP9 (Sustainable Development).

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

**Date:** 29/03/2022