

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 post and rail fencing to north, east and south boundary of site and erect post and wire fence within field (retrospective). (Protected Building).

LOCATION: Les Vieux Mielles, Les Mielles Road, Vale.

APPLICANT: Mr B Weir

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: 12/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7392-02/A1A.

Application Ref: FULL/2022/1247

Property Ref: C016570000

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 11/10/2025 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 as forming the domestic curtilage associated with the dwelling presently known as Les Vieux Mielles.

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/2022/1247
Property Ref: C016570000
Valid date: 29/06/2022
Location: Les Vieux Mielles Les Mielles Road Vale Guernsey GY3 5AU
Proposal: Erect post and rail fencing to north, east and south boundary of site and erect post and wire fence within field (retrospective). (Protected Building).

Applicant: Mr B Weir

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.

INFORMATIVES

The Authority does not recognise all of the land outlined on the submitted plan as forming the domestic curtilage associated with the dwelling presently known as Les Vieux Mielles.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a large farmhouse to the north-west and a series of agricultural fields to the east and south of the property. The premises is located Outside of the Centres as defined in the Island Development Plan.

The dwelling-house is a protected building. The dwelling and land immediately to the south and east is located in a Conservation Area. The field to the south-west of the site is recognised as being an Area of Biodiversity Importance (ABI) as defined in the Island Development Plan. None of the proposed works are located within the ABI.

Retrospective permission was originally sought to erect three sections of post and rail fencing; Fence A within and parallel to the east boundary, adjacent to a gravel drive, Fence B within and parallel to the north boundary of the southern field and Fence C to the south of the dwelling-house. The application also includes post and wire fencing which, where it is within a field, falls outside of the scope of the Exemptions Ordinance (Fence C).

The application was deferred over the accuracy of the drawings submitted and the inclusion of additional fencing and a gate to the north of the site, adjacent to the north boundary and in front of the dwelling-house. The agent has amended the drawings accordingly (reference to Fence E – timber post and rail and D – picket fence) and has included additional post and wire fencing gates to a field to the south-east of the site.

No justification for the timber post and rail fencing, nor the post and wire fencing, has been included as part of the application.

Not all of the land shown on the submitted plan (no.7392-02A1) is recognised as falling within the domestic curtilage of the property. An Immunity Certificate was issued in 2019 (CURT/2019/0956) which highlights the extent of domestic curtilage, limited to the land adjacent to the east and south of the dwelling.

Relevant History:

None pertinent to this application.

Existing Use(s):

Agriculture - fields located east and south of the dwelling-house.
Residential – dwelling-house and domestic curtilage.

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:

OC5(A)	Agriculture Outside of the Centres – Within the Agriculture Priority Areas
GP1	Landscape Character and Open Land
GP4	Conservation Areas
GP5	Protected Buildings
GP8	Design
GP13	Householder Development

Conclusion/Brief comment:

Policy OC5 (A) (Agriculture Outside of the Centres- within the Agriculture Priority Areas) states that *“Proposals for development which is not related to a farmstead or existing agricultural holding will be supported provided that they accord with all the relevant policies of the Island Development Plan”*.

Whilst the proposal is not directly in relation to an existing commercially active farmstead or agricultural holding, the fencing installed encloses livestock as observed on site as part of the officer’s site assessment. The fencing is also proposed for the keeping of miniature ponies on the site as indicated on the drawing submitted (no.7392-02A1) and the grazing of horses/ponies represents an agricultural use.

As observed on site, the justification and use of the field will remain for agricultural purposes. Furthermore, any grazing on agricultural land by miniature ponies would not constitute development. The existing dilapidated outbuilding/stable used by the ponies appears to have been in situ over recent decades, based on orthophotographs, and may have once been a packing shed associated with the horticultural use of the agricultural land.

The post and rail (Fences A and B), gates and post and wire (Fence C) fencing in the areas described above are considered to have a negligible impact on the landscape character and openness of the area, especially as the majority of fencing will be sufficiently setback from the road and therefore will not be highly visible in public views or in the Conservation Area. The effect on visual amenity is limited further due to the extent of landscaping in the foreground which helps screens part of the development.

With regard to fencing near the roadside, Fence E will be visible in public views although due to its position it will be read against the backdrop of the east elevation of the outbuilding to the front of the site and separates agricultural land to the east from the domestic curtilage. This fence will not cause undue harm to the Conservation Area, character of the area or visual amenity. Similarly, the picket fence (Fence D) to the front of the house is considered to have a negligible visual effect and would not have a detrimental impact on the setting of the protected building or Conservation Area due to its design and height.

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.

On this basis, the application is compliant with the relevant Island Development Plan policies it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 12/10/22