

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 retaining wall and fencing to south boundary and erect fencing around existing oil tank to west (front) of property (Retrospective).

LOCATION: L'Epinay, Icart Road, St. Martin.

APPLICANT: Mrs L Stevenson

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: 05/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 1848 03.02A

Application Ref: FULL/2022/1655

Property Ref: J01110A000

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 six weeks from the date of this decision the three fence panels closest to the road shall be reduced in height by 400mm to protect the visual amenity of the area.

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

Expiry Date: This permission will cease to have effect on 04/12/2025 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/2022/1655
Property Ref: J01110A000
Valid date: 11/08/2022
Location: L'Epinay lcart Road St. Martin Guernsey GY4 6
Proposal: Erect retaining wall and fencing to south boundary and erect fencing around existing oil tank to west (front) of property (Retrospective).

Applicant: Mrs L Stevenson

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 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).

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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 six weeks from the date of this decision the three fence panels closest to

the road shall be reduced in height by 400mm to protect the visual amenity of the area.

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

INFORMATIVES

OFFICER'S REPORT

Brief Description of the site:

The property known as 'L'Epinay' is a mid-20th century one and a half storey cottage which has been extended and altered over the years. It is set back from and faces west onto Icart Road. There are neighbouring detached residential dwellings to the north and south, open agricultural land across the road to the west and open land and a Site of Special Significance to the east beyond the garden. 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.

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:

This application is to erect a 2m fence along the whole of the south boundary, and erect fencing around the existing oil tank to the west (front) of the property. The

application is part retrospective as the west end of the fencing has already been erected along with the fencing around the oil tank.

The exemptions states that up to 2m high fencing can be erected along those boundaries which are to the rear or side of a dwelling, thus the majority of the fencing is exempt from planning.

However, it is the retrospective fencing which requires planning approval as it is forward of the building line. The fence was erected without planning because the applicants were replacing a previous fence, that had been erected without consent.

A fence at a height of 1.8m is generally not accepted forward of any building, especially as the neighbouring property is at a lower ground level and the height of the boundary from the neighbours side is approx. 2.5m, which is considered too high for the front of a property.

Following the deferral of the application the three fence panels nearest the road (in front of the neighbouring property's building line) will be lowered by 400mm to a height of 1.4m, which is approx. 2m from the neighbour's side. Due to the location and the amount of mature planting in both gardens, in this instance, this is considered to be an appropriate solution.

The proposals are now considered not to impact on the character and appearance of the surrounding area nor will they have any detrimental effects on neighbour amenity or on visual amenity.

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

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.

Recommendation:

Grant with Conditions



Date: 30/11/2022

