

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 fence to east and south boundary.

LOCATION: Field, Rue Coutance, Vale.

APPLICANT: Mrs H Carpentier

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: 11/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Site Location Plan (01/09/2022) and photograph of the post and rail fence (08/11/2022)

Application Ref: FULL/2022/1802

Property Ref: C011620000

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.

Expiry Date: This permission will cease to have effect on 10/01/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In the interests of biodiversity, it is recommended that a mixed native hedge is planted along the south and east boundaries and Euonymus plants are omitted from the proposed hedge species.

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/2022/1802
Property Ref: C011620000
Valid date: 21/11/2022
Location: Field Rue Coutance Vale Guernsey
Proposal: Erect post and rail fence to east and south boundary.

Applicant: Mrs H Carpentier

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).

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.

INFORMATIVES

In the interests of biodiversity, it is recommended that a mixed native hedge is planted along the south and east boundaries and Euonymus plants are omitted from the proposed hedge species.

OFFICER'S REPORT

Brief Description of the site:

The field is situated to the north of Rue Coutance and although the land is open without dividing boundary walls or other features it is understood that different parcels of land are in different ownership. The application relates to the land to the east of Sohier Clos with an access from Rue Coutance. The defined boundaries comprise a mix of walls, earthbanks and trees. The east and south boundaries of this parcel of land are currently open to the remainder of the agricultural land to the south and east of the site.

The application relates to the erection of a timber post (4ft high) and rail (3 rails) fence (posts spaced 1.8m apart) to the east and south boundaries of the site. A hedge is also proposed to be planted although this does not require planning permission. The hedge is identified as comprising a mix of Beech, Hornbeam, Field Maple, Hawthorn, Blackthorn and Euonymus.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case

Existing Use(s):

28 agriculture

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

x
x
x

visual amenity acceptable
no material neighbour impact
traffic not affected

x
x
x

Policies considered most relevant:

OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

OC9 – Leisure and Recreation Outside of the Centres

GP1: Landscape Character and Open Land

GP8: Design

IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

The site is not located within an Agriculture Priority Area, and provided that the proposed development complies with other relevant policies, Policy OC5(B) does not preclude the change of use or development of agricultural land. Furthermore, the grazing of horses on agricultural land does not, in planning terms, amount to a material change of use for which planning permission is required. The IDP therefore, makes provision for the development as outlined in this submission.

The IDP sets out that outdoor formal recreation relates to uses such as sports pitches, equestrian related activities, motor sports, golf etc. and that informal leisure and recreation relates to uses such as civic spaces, woodlands, cliff paths, commons, parks and gardens etc. The enclosure of the land from the wider parcel of open land could enable its use for grazing would represent an equestrian related activity for the purpose of OC9. The development is considered proportionate to the nature and scale the use of the land for equestrian purposes in line with Policy OC9.

The site is located in a wetland landscape character (Le Braye du Valle) as identified in Annex V of the IDP where a gridiron pattern of field divisions existed when the land in this area was reclaimed. This particular site is situated with residential development to the north and west with more open land to the south and where there is little evidence of the gridiron pattern. The proposed post and rail fence would not undermine this landscape character and would not result in the unacceptable loss of specific distinctive features that contribute to local distinctiveness nor undermine visual access to this open land. It is also noted that, although to be concreted in, the post and rail fence could be relatively easily removed at a later date if required and accords with Policies OC9, GP1 and GP8 c. of the IDP.

The works proposed are of typical and acceptable agricultural/equestrian scale, form and design. The appearance and materials proposed for the works across the site represent a good standard of design that are commonly used in agricultural settings in line with Policy GP8.

The fencing will not have a detrimental impact on residential amenity.

The existing vehicular access from Rue Coutance is to be retained to serve the land which, from the submission is used by agricultural machinery and a horse box. The proposed fence to mark the access would be set back from the roadside edge to

provide a visibility splay for vehicles exiting the site which is acceptable in visibility and highway safety terms.

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 view of the above it is recommended permission is granted for the proposed fence

Recommendation:

Grant with Conditions



Date: 06 January 2023