

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: Remove hedge and erect fence and create pedestrian access gate to east boundary (retrospective).

LOCATION: Rochester Grange, Les Effards Road, St. Sampson.

APPLICANT: Mr & Mrs Wills

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: 03/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Plan (05/01/23), Details of Fence Panels & Plan (09/12/22)

Application Ref: FULL/2022/2387

Property Ref: B00968A000

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.

Expiry Date: This permission will cease to have effect on 02/03/2026 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/2022/2387
Property Ref: B00968A000
Valid date: 05/01/2023
Location: Rochester Grange Les Effards Road St. Sampson Guernsey
GY2 4YW
Proposal: Remove hedge and erect fence and create pedestrian access
gate to east boundary (retrospective).
Applicant: Mr & Mrs Wills

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.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Rochester Grange' is a two and one and a half storey pre-1900's dwelling, which sits in the south-west corner of a large plot. The property is slightly set back from and faces south onto Les Effards Road. There is a detached property to the west, a track runs along the east boundary leading to land to the north and another detached property beyond. 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.
Agricultural use class 28: Agriculture.

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

X
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 Area

GP8: Design

GP13: Householder Development

Conclusion/Brief comment:

This is a retrospective application to remove a dying hedge (4.5m high and 3m wide) and replace with 1.5m Venetian Fence Panels along a 20m section of the eastern boundary with the adjacent lane. The fence is located at the northern end of the east boundary and has a pedestrian gate in the centre, to allow access between the neighbouring properties for children to interact safely without having to go on the road. The owner of the track has given their consent to install the gate.

The hedge was extremely tall and extremely thick because it had not been managed over the years. When the new owners tried to trim and reduce the thickness of the hedge they found the middle was dead and realised it was not a healthy hedge.

The removal of the hedge and replacement with a fence was carried out without prior knowledge that planning approval was necessary. Since then this application has been submitted.

In this instance due to the condition of the hedge and its limited visibility from public view, the removal of the hedge and its replacement with the proposed style and height of fence would have no significant adverse effects on the character and appearance of the area.

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

X

Date: 03/03/2023