

**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:** Create additional gated vehicle access to north-east boundary.

**LOCATION:** La Grande Maison, Rue Des Simons, Torteval.

**APPLICANT:** Mr M Hollingsworth

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:** 05/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** DRP Architecture: 3166-02-DR-001, 002 & 003A

**Application Ref:** FULL/2023/0412

**Property Ref:** G003230000

**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 2 months of the demolition of the existing wall, the new walls forming the entrance and all disturbed works created as a result of the development shall be completed in stone to match as closely as possible the type, colour, texture, method of bonding and pointing of the existing roadside wall.

Reason - In the interests of visual amenity and to conserve the character and appearance of the Conservation Area within a reasonable timeframe.

**Expiry Date: This permission will cease to have effect on 04/07/2026 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](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/2023/0412  
**Property Ref:** G003230000  
**Valid date:** 07/03/2023  
**Location:** La Grande Maison Rue Des Simons Torteval Guernsey GY8 0LW  
**Proposal:** Create additional gated vehicle access to north-east boundary.  
  
**Applicant:** Mr M Hollingsworth

**RECOMMENDATION - Grant: Planning Permission with Conditions:**

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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.

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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.

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Reason - In the interests of visual amenity and to conserve the character and appearance of the Conservation Area within a reasonable timeframe.

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## OFFICER'S REPORT

### Brief Description of the site:

The application site comprises a semi-detached dwelling-house located south of Rue Des Simons. The property stands within a Conservation Area and is located Outside of the Centres as designated in the Island Development Plan.

Planning permission is sought to create an additional gated vehicle access to the north-east boundary. The access will be approx. 9m wide at the road verge, reducing down to 4m in width. An agricultural style gate is proposed.

### Relevant History:

None germane to this application.

### Existing Use(s):

Residential

### Assessment: *(Tick as appropriate)*

|                     |                                     |
|---------------------|-------------------------------------|
| no representation   | <input checked="" type="checkbox"/> |
| accords with policy | <input checked="" type="checkbox"/> |
| within curtilage    | <input checked="" type="checkbox"/> |
| design acceptable   | <input checked="" type="checkbox"/> |

|                              |                                     |
|------------------------------|-------------------------------------|
| visual amenity acceptable    | <input checked="" type="checkbox"/> |
| no material neighbour impact | <input checked="" type="checkbox"/> |
| traffic not affected         | <input checked="" type="checkbox"/> |

### Policies considered most relevant:

|      |                                            |
|------|--------------------------------------------|
| GP1  | Landscape Character and Open Land          |
| GP4  | Conservation Areas                         |
| GP8  | Design                                     |
| GP9  | Sustainable Development                    |
| GP13 | Householder Development                    |
| IP9  | Highway Safety, Accessibility and Capacity |

**Conclusion/Brief comment:**

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.

The creation of a second access is in principle supported under Policy, particularly in cases where the existing access is of a substandard design and leads to highway safety or traffic management issues.

In this case, the existing access is narrow, is close to a junction between Rue Des Simons and Rue Du Belle and is located on the corner of the property. Consequently, sightlines towards oncoming traffic in an east-to -west direction along Rue Des Simons is poor, and the access is adjacent to a junction which does not represent good design.

The proposed access is located well away from the junction and is unlikely to have a significant adverse effect on the landscape character or Conservation Area to justify refusal when taking into account the length of the remaining section of wall along the north boundary.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, accords with the purpose of the Law, and the requirements of the material considerations; it is therefore recommended that planning permission be granted, subject to conditions.

**Recommendation:**

Grant with Conditions



**Date:** 05/07/23