

**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 earth bank and hedge and erect fence to north, west and east boundaries.

**LOCATION:** Plongeurs D'Ane, Route De La Croix Au Bailiff, St. Andrew.

**APPLICANT:** Ms H Bougourd

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:** 23/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** App: PD01. Jacksons Fine Fencing: 06/J7/01042 Page 1 of 8 and Page 4 of 8, gate specification.

**Application Ref:** FULL/2023/0763

**Property Ref:** K00146B000

**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 22/08/2026 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/2023/0763  
**Property Ref:** K00146B000  
**Valid date:** 22/05/2023  
**Location:** Plongeurs D'Ane Route De La Croix Au Bailiff St. Andrew  
Guernsey GY6 8SA  
**Proposal:** Remove earth bank and hedge and erect fence to north, west  
and east boundaries.  
  
**Applicant:** Ms H Bougourd

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

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## INFORMATIVES

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### OFFICER'S REPORT

#### **Site Description:**

The application site comprises a detached dwelling-house located to the north of Route De La Croix Au Baliff.

The application site is located Outside of the Centres and is within an Agriculture Priority Area as designated in the Island Development Plan.

#### **Relevant History:**

|                |                                                                                                                                                                                                                                                                                                                         |         |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| FULL/2019/1564 | Demolish garage and greenhouse, erect flat roof extension on west (side) elevation and raised terrace to north elevation, erect shed to north boundary and change of use of the shed and part of the dwelling to be used for business purpose as a workshop and office in connection with a diving instructor business. | Granted |
| PAPP/1993/1451 | Erect timber boundary fencing.                                                                                                                                                                                                                                                                                          | Granted |

#### **Existing Use(s):**

Residential

#### **Brief Description of Development:**

Planning permission is sought to remove an earth bank and hedge and erect fencing (including gates) to the north, west, and east boundaries.

The height of the 'Hit and Miss' fence panels to the front of the house will be 910mm high, with a total of height of 1080mm including the gravel boards.

The height of the fence panels to the side and rear of the house will be 1830mm high, with a total of height of 2000mm including the gravel boards.

#### **Relevant Policies of any Plan, Subject Plan or Local Planning Brief:**

- GP8 Design
- GP9 Sustainable Development
- GP13 Householder Development

### **Representations:**

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Extent of earthbank to be removed is unclear.
- All new hedges should be native species and replacing a hedge with a fence should not be permissible.
- Loss of biodiversity if approved.
- Questions over use of the land to the north of the application site.

### **Consultations:**

None.

### **Summary of Issues:**

- Whether the design of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

### **Assessment against:**

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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 application site does not comprise a protected building, nor is the site situated within a Conservation Area. In this less sensitive location, a greater degree of flexibility is afforded to householder development to take into account reasonable aspirations of property owners (Policy GP13).

Whilst the loss of the earth banks and hedges to the side of the property are regrettable, the design of the replacement boundary treatments are acceptable in terms of their height, materiality and appearance. The height of the fence to the front would be slightly higher than that allowed under the Land Planning and Development (Exemptions) Ordinance, 2023. In addition, the fencing to the side and rear of the property would meet the height set out in the Exemptions Ordinance.

It is also noteworthy that the earth bank to the front of the site would remain and therefore the development, as a whole, would have a limited adverse visual effect on the surrounding area when compared to the existing 'soft' boundary treatments, which would not be sufficient to outweigh the degree of flexibility in favour of householder development.

The proposal will not affect the amenities of neighbouring residents.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

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

**Date:** 17/08/23

