

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: Install hard surfacing to field entrance to south boundary.

LOCATION: The Rectory Field, Les Buttes, St. Saviour.

APPLICANT: Rector & Churchwardens

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: 16/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/04/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Plan (1:1250) Block Plan (1:500), Swift Gardening Ltd Quotation, A4 Gridforce Sample picture.

Application Ref: FULL/2023/0794

Property Ref: E004080000

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.The developer shall afford access at all reasonable times to States Archaeologist(s) and shall allow the archaeologist(s) to observe the excavations and record items of interest and finds so that the excavation is observed, and items of interest and finds are recorded. The developer shall inform the Development & Planning Authority and States Archaeologist of the start date of construction works on site not less than two weeks prior to the commencement of such works.

Reason - To safeguard and/or record the archaeological interest on and around the site.

Expiry Date: This permission will cease to have effect on 15/06/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210 .

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/2023/0794
Property Ref: E004080000
Valid date: 20/04/2023
Location: The Rectory Field Les Buttes St. Saviour Guernsey GY7 9FQ
Proposal: Install hard surfacing to field entrance to south boundary.

Applicant: Rector & Churchwardens

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.

4. The developer shall afford access at all reasonable times to States Archaeologist(s) and shall allow the archaeologist(s) to observe the excavations and record items of interest and finds so that the excavation is observed, and items of

interest and finds are recorded. The developer shall inform the Development & Planning Authority and States Archaeologist of the start date of construction works on site not less than two weeks prior to the commencement of such works.

Reason - To safeguard and/or record the archaeological interest on and around the site.

INFORMATIVES

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

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OFFICER'S REPORT

Brief Description of the site:

The site is located on the corner of les Buttes and La Grande Lande, opposite St Saviour's Church. Scattered residential development exists in the vicinity of the application site with various agricultural fields also present. Vehicular access is in the southwest corner of the site, from Les Buttes.

The application relates to laying a 5m x 4m area of Gridforce mesh at the entrance to the field in Les Buttes as the area has been worn down over time. The submission also notes that the agricultural land is used for overflow parking for vehicles to the church/church hall for weddings, concerts and other events along with outdoor Sunday school activities and the annual Summer Fete.

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

Relevant History:

None.

Existing Use(s):

28 agricultural

Known occasional use for overflow parking for weddings/funerals and for annual summer fete (2011)

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

Island Development Plan policies:

OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas
GP8: Design

Consultation:

States Archaeologist – In 2010 a human skeleton was discovered during the excavation of an electricity cable trench beneath the road and pavement directly outside the field entrance which is the subject of this application.

Research into the location of the burial showed that this section of the Les Buttes road was created in the nineteenth century, some time after the survey work which led to the Duke of Richmond map of 1787 (see image overleaf). Part of this field, including the area in the immediate vicinity of the entrance, thus fell within the bounds of the parish cemetery, and there are very likely to be more burials in this area.

The information supplied with the application indicates that the approximate depth of the excavation proposed will be in the order of 215mm (to be filled by 150mm hardcore, 25mm stonedust and 40mm top soil/gridforce). This may not be deep enough to disturb any in situ burials, but even if this is the case it is possible that there will be previously disturbed human skeletal material in the topsoil. For that reason I would like to request that an archaeological watching brief on the excavation work be imposed as a condition on this work.

Conclusion/Brief comment:

The provision of Gridforce, with associated works, at the entrance to the field in Les Buttes will not result in unacceptable harm to the character and appearance of the locality or on the amenities of occupiers of surrounding properties. Nor will the works undermine the commercial function of the agricultural land within the APA.

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 that planning permission is granted for the proposed development.

It is however noted that the information provided with the application appears to suggest quite regular use of the agricultural land for overflow parking which does not represent an agricultural use of the site and the number of events may represent a material change of use of the land. This will be addressed under separate cover.

Recommendation:

Grant with Conditions



Date: 15/06/2023

