

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 single storey pool enclosure to south-west boundary.

LOCATION: Le Bouvee De Haut, Le Frie Baton, St. Saviour.

APPLICANT: Mr & Mrs A Flouquet

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: 13/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services - 6284/C/1b

Application Ref: FULL/2023/0909

Property Ref: E009740000

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 12/07/2026 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 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/2023/0909
Property Ref: E009740000
Valid date: 16/05/2023
Location: Le Bouvee De Haut Le Frie Baton St. Saviour Guernsey GY7 9PJ
Proposal: Erect single storey pool enclosure to south-west boundary.
Applicant: Mr & Mrs A Flouquet

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.

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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.

OFFICER'S REPORT

Brief Description of the site:

The property to be known as 'Le Bouvee de Haut' is situated to the west of Le Frie Baton Road and is bounded to the west and south by agricultural land and a neighbouring residential property to the north. The dwelling house is located within the domestic curtilage to the north of the site, the remainder of the site comprises agricultural land.

Le Frie Baton is in a steep valley between two hills, the site is on the eastern slope of the hill to the west of the highway. The area is firstly characterised by the underlying landscape, an escarpment with a valley overlooking a flat low-lying western bay, on which there are a number of trees and lush vegetation, earth banks, fields and predominantly large single houses.

The site has some views out towards Richmond but views to and from the site are currently restricted by planting and hedges. The earth banks and hedges that line the property boundary contribute to the generally rural appearance of the area. Views to the site from the road are partially restricted by the earth banks and hedges but the site is relatively open to the fields behind.

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

Relevant History:

FULL/2023/2163 – Variation to previously approved to demolish and erect replacement dwelling and detached garage. Remove and replace hedge, alter vehicular access and erect gate – Alter levels to create garage at lower ground floor level and link extension at ground floor level to north (side) elevation and erect extension at first floor level to west (rear) elevation – Approved March 2022.

FULL/2022/1312 – Erect single storey link extension and first floor extensions to the north and west elevations – Refused October 2021

FULL/2020/1287 – Demolish and erect replacement dwelling and detached garage. Remove and replace hedge, alter vehicle access and erect gate – Approved March 2020.

Existing Use(s):

Residential use class 1: dwelling house.

Assessment: *(Tick as appropriate)*

no representation	X
accords with policy	X
within curtilage	X
design acceptable	X

visual amenity acceptable	X
no material neighbour impact	X
traffic not affected	X

Policies considered most relevant:

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Conclusion/Brief comment:

This application is to erect a single storey pool enclosure to the south west boundary of the domestic curtilage. Initially the 14m x 7.5m enclosure had a flat roof, 6m of openable glazing and the rest of the building was covered in timber cladding.

The overall appearance of the enclosure was that of a commercial building. The application was deferred to allow the agent to amend the drawings.

The pool enclosure now has a hipped pitched roof which matches the main dwelling. There has been two additional windows added to the east elevation and the building is still clad in timber which also matches the main dwelling.

The newly hipped enclosure no longer resembles a commercial building and due to the topography (the land falls away from the south to the north) the enclosure sits low in the landscape when viewed from the south or east. It will be seen from higher public vantage points (south), but it now fits in better with its surroundings and is not considered to have any detrimental impacts on the character and appearance of the surrounding area, nor will it impact any of the immediate neighbours amenity space.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

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



Date: 13/07/2023

